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BENGAL LEGISLATIVE ASSEMBLY LIBRARY

Assembly Proceedings

Official Report

Bengal Legislative Assembly

Seventh Session, 1940

The 26th, 27th, 28th and 29th February and 1st and 4th March, 1940

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GOVERNOR OF BENGAL.

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(10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

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The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

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SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

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BENGAL LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS.

A

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Kumar, Mr. Atul Chandra. [Malda (General).]

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Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

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Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

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N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar, (Presidency Landholders.)

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Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

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P

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R

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Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

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S

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T

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Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Seventh Session.

Volume LVI—No. 2.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 26th February, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 220 members.

[*N.B.*—The Hon'ble Khwaja Sir Nazimuddin was absent from the Assembly on the 26th February, 1940, and so questions concerning his departments were not taken up.]

STARRED QUESTIONS

(to which oral answers were given)

Unexpected declaration of public holidays.

*86. **Mr. KHAGENDRANATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that much inconvenience and hardship is caused to the litigants and others having business in the courts and public offices at Sadar stations as a result of unexpected declaration of a holiday preceding a number of holidays?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take for communication of such information to the litigants earlier in future to save them from taking all the troubles, inconveniences, loss of time and money.

MINISTER in charge of the FINANCE, COMMERCE and LABOUR DEPARTMENTS (the Hon'ble Mr. H. S. Suhrawardy): (*a*) It is possible that an unexpected declaration of holiday has caused inconvenience?

(*b*) Government adopt the quickest methods available of conveying the information. I am considering ways and means to minimise such instances.

Scheduled Caste representative on the Pabna District School Board.

*87. **Babu MADHU SUDAN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is no Scheduled Caste representative in the Pabna District School Board?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of having a Scheduled Caste representative in the said Board?

(*c*) Is it a fact—

(*i*) that most of the old primary schools in the Scheduled Caste villages of the district are going to be shifted to new places by the direction of the Committee for selection of the sites; and

(*ii*) that thereby causing hardship to the Scheduled Caste boys?

(*d*) Is the Hon'ble Minister aware that there exists a feeling amongst the Scheduled Castes over the question of the transfer of sites of the existing schools?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The question will be considered at the time of the appointment of members under section 6 (*h*) of the Act in future.

(*c*) (*i*) Of the 34 Scheduled Caste primary schools, 12 are to be shifted as their sites are not central.

(*ii*) No hardship has been reported.

(*d*) No.

(*e*) Does not arise.

Babu MADHU SUDAN SARKAR: With reference to (*c*) (*i*), will the Hon'ble Minister be pleased to state whether the department is ready to shift the site of the schools having regard to the convenience of the Scheduled Castes boys?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter for the District School Board to consider and if there is any grievance, I have no doubt that the School Board will consider it.

Babu MADHU SUDAN SARKAR: With reference to answer (*b*), will the Hon'ble Minister be pleased to state when that occasion will come to make appointment under section 6(*h*) of the Act?

The Hon'ble Mr. A. K. FAZLUL HUQ: At present there is no vacancy. But there is every likelihood of a vacancy occurring in about four months' time and as soon as the vacancy occurs, the defect will be remedied.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয়ের উত্তর (*b*)(*i*) এ যে আছে ০৪টী Scheduled Castes primary school এর ১২টী স্কুলকে shift করা হবে— Scheduled Castes school বোলতে তিনি কি criterion ঠিক কোরেছেন?

The Hon'ble Mr. A. K. FAZLUL HUQ: The majority of the students belong to the Scheduled Castes.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় কি জানেন পাবনা জেলায় তাঁর কথিত ০৪টী Scheduled Castes স্কুল ছাড়াও আরো ০৪টী Scheduled Castes স্কুল আছে?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I am aware, they are not. But I cannot say definitely; I have no information.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় কি জানেন ঐসব Scheduled Castes স্কুল যে অন্য জায়গায় shifted করা হবে সে শুধু Scheduled Castes দের interest ছাড়া অন্য কারণেও shifted হোতে পারে?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have absolutely no doubt that that will not be done. It will be shifted in the interests of the students of the Scheduled Castes themselves.

State of handloom industry in Noakhali.

*88. **Mr. HARENDRA KUMAR SUR:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that in the Noakhali district about 65,000 weavers mainly depend for their livelihood on the handloom industry and Chaumuhani Bazar is the principal centre of marketing the handloom product as well as of purchasing yarns, dye stuffs and chemicals for industry;

(*ii*) that dye stuffs do not come under the Ordinance for regulation of prices as the contracts between the Imperial Chemical Industries (India), Co., Ltd., and their agents have fixed a maximum price-limit;

(*iii*) that the sole agent of the aforementioned company at Chaumuhani has raised the prices much above the maximum rate fixed in the agency contract and that the weavers entered their protest, by not purchasing yarns and dyestuffs nor selling their products on two *hat* days, i.e., on the 14th November, 1939, and the 21st November, 1939;

(*iv*) that even the local dyeing and weaving expert had to pay more than the contracted rate and this fact was brought to the notice of the District Magistrate and a special police enquiry was held and report supporting the allegations of the weavers was submitted but no steps have been taken and as a result yarn merchants have raised the prices of the yarns; and

(*v*) that owing to the rise in prices the cottage industry will be very hard hit and the weavers will lose their only source of livelihood?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to consider the desirability of taking steps to regulate the prices of dyestuffs and chemicals?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) Yes, but I have no information as to the actual number affected.

(*ii*) Dyes having been supplied mostly by Germany are not now obtainable in such quantities as formerly, nor at previous prices. The difficulties of handloom weavers have been brought to the notice of the Government of India who are investigating the position and are exploring possibilities of supplies.

(*iii*) I have been informed that there is a Price Control Committee for Chaumuhani Bazar. The Subdivisional Officer, Circle Officer, and other members of the committee inquired into the matter and found no evidence to show that the local agent of the company raised the price of dyestuffs above contract rates.

I have been further informed that the weavers did sell their goods and purchase yarns on the 14th November, 1939, and the 21st November, 1939. At the instigation of some local people they desisted from purchasing dyestuffs from the shop of the agent on those days, but they started purchasing dyes from the subsequent *hat* day.

(*iv*) The complaint referred to was duly enquired into by the Subdivisional Officer who found that the agent was selling dyestuffs at the rates fixed by the company.

(*v*) It is natural that the cottage industries must have been affected but to what extent it is difficult to gauge.

(*b*) *Vide* reply to (*ii*).

Communal ratio in clerical appointments in Asansol Criminal Courts, Burdwan.

*89. **Mr. BANKU BEHARI MONDAL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the present number of clerks in the Criminal Courts of Asansol subdivision in the district of Burdwan; and

(*b*) how many of them are—

(*i*) Caste Hindus,

(*ii*) Muslims, and

(*iii*) Scheduled Castes?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The subdivisional strength of the clerical establishment is 22.

(*b*) (*i*) Caste Hindus	...	...	16
(*ii*) Muslims	...	...	5
(*iii*) Scheduled Castes	...	...	1

Rise in prices of commodities due to war.

*90. **Mr. NIKUNJA BEHARI MAITI:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that since the declaration of war against Germany, the prices of all commodities have been continually rising?

(*b*) What has been the percentage of rise in prices in the different commodities the prices of which have gone up?

(*c*) What steps have been taken to prevent such rise?

(*d*) What further steps do the Government propose to take in the matter?

(*e*) Do the Government keep any index figure of cost of living from week to week or at all?

(f) Is the Hon'ble Minister considering the desirability of—

(i) paying as war allowance 25 per cent. of the wages to each employee of Government drawing below Rs. 100 per month; and

(ii) taking steps to compel all non-Government employers to pay 25 per cent. of the wages as war allowance, to all their employees drawing less than Rs. 100 per month?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is referred to the reply given to the identical question, No. 33 (unstarred) by Mr. Sibnath Banerjee, on the 21st February, 1940.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that the pre-war price of a maund of coarse Patna rice was Rs. 4-4 whereas the present price of the same rice is Rs. 5 and that the percentage of increase in this case has been approximately 25 per cent.?

Mr. SPEAKER: How does the question arise?

Dr. SURESH CHANDRA BANERJEE: It arises because the questioner wanted to know what has been the percentage of increase in the prices of food-stuff and I wanted to know whether it is a fact that the percentage of increase in the price of that particular commodity has been 25 per cent.

Mr. SPEAKER: When there are different commodities concerned, it is very difficult for the Hon'ble Commerce Minister to ascertain the exact rise in the price of a particular commodity.

Dr. SURESH CHANDRA BANERJEE: Sir, I asked a similar question the other day to ascertain the exact position in regard to the rise in the prices of commodities and I know that if he tried, he might have told us about the position. But we do not get any answer from him on the point.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out that weekly list of prices are circulated by the Chief Price Controller and from that it is easily ascertainable what is the price of a particular commodity which is prevailing in the market. If the honourable member wishes to know the comparative prices of a particular commodity, I shall accept a short-notice question from him.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state with reference to the answer on the previous day regarding the Price Controller whether any advisory body has been formed to advise the Controller of Prices and whether the members of the Assembly are associated with that body?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not remember whether there is any member of the Assembly associated with that body but probably there are some members who are.

Dr. SURESH CHANDRA BANERJEE: With reference to question (*f*) (*ii*), will the Hon'ble Minister be pleased to let us know what steps has he taken up till now to bring pressure on both Government and non-Government employers to increase wages or to give some war bonus to their employees?

Mr. SPEAKER: That question is too general.

Sekander beel in khas mahal estate of Khanjanpur.

*91. **Khan Bahadur MOHAMMED ALI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that Sekander *beel* in Rukindipur mauza under khas mahal estate of Khanjanpur is being used by the villagers for Irrigation purposes;

(*ii*) that the said *beel* was settled with Reazuddin Mondal and others but subsequently the settlement was cancelled by the then District Magistrate in March, 1938;

(*iii*) that now the Manager has in spite of such cancellation realised rent from Reazuddin Mondal and granted him receipts; and

(*iv*) that there exists a feeling of discontent over such encroachment upon the free use of public rights?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of issuing order for restoring the *beel* for the use of the public?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(iii) The order of March, 1938, cancelling the settlement was rescinded as the *beel* was, on enquiry, found to be gradually silting up and expected to be completely silted up and fit for cultivation in a few years. Rents were, accordingly, realised.

(iv) and (b) No.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether the enquiry was made and what was the occasion for having that enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state, considering the fact that the District Magistrate of Bogra cancelled the settlement in March, 1938, how such an enquiry can be made so soon after the order of settlement was cancelled and then again that order rescinded?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was done on enquiry, I can assure the honourable member.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that there is a great amount of public discontent on that matter?

Mr. SPEAKER: That question does not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please consider the desirability of having an enquiry made to find out if there is any such feeling among the public or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If I am convinced that there is such feeling, certainly there will be an enquiry.

Girls' primary schools in Mymensingh.

*92. **Khan Sahib HAMIDUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) the present number of aided primary girls' schools in the district of Mymensingh;

(ii) the number of students getting education therein; and

(iii) whether it is a fact that Government are not giving sanction to the District School Board for payment of the grants-in-aid to all those institutions?

(*b*) Is the Hon'ble Minister aware—

(*i*) that there exists a feeling amongst the teachers for their inability to draw their salary for the last nine months owing to the refusal of the Government in giving sanction to the District School Board in the matter; and

(*ii*) that male or female guru training passed teachers in the district for girls' schools are not available?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to relax the existing grant-in-aid rules unless sufficient number of guru training passed teachers are available?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the Muslim community of the district as well as a considerable section of the Hindu community do not welcome the idea of co-education in primary schools;

(*ii*) that the District School Board had decided to maintain separate girls' schools on aided basis for the present; and

(*iii*) that the Government have been asked to accord its sanction in the matter?

(*e*) If the answers to (*d*) (*ii*) and (*iii*) are in the affirmative, will the Hon'ble Minister be pleased to state what action has he taken in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 1,562.

(*ii*) 55,246.

(*iii*) It is not a fact.

(*b*) (*i*) Does not arise.

(*ii*) It is a fact that such teachers are not available for all schools.

(*c*) The District School Board has already been asked to relax the grant-in-aid rules in deserving cases, as permitted under the rules.

(*d*) (*i*) I am not aware of the fact.

(*ii*) Yes, until they can be amalgamated with boys' schools.

(*iii*) No.

(*e*) Does not arise.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি দয়া কোরে বোলবেন পড়ে এক একটা স্কুলে কত সাহায্য পায়?

The Hon'ble Mr. A. K. FAZLUL HUQ: That I cannot say, Sir. It is impossible for me to answer immediately.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি বোলবেন যাহে ৯ মাস হলো এ বিষয় প্রশ্ন করা হোয়েছে, তা সত্বেও এই সব প্রাইমেরী গার্ল স্কুলের মাষ্টাররা কেন মাইনে পাচ্ছে না?

Mr. SPEAKER: That question does not arise here.

Mr. CHARU CHANDRA ROY: Sir, the question was actually this "that there exists a feeling amongst the teachers for their inability to draw their salary for the last nine months and so on....." and the answer is "that question does not arise."

Mr. SPEAKER: As a matter of fact the question should have been admitted in the form "is it a fact that Government refused to give sanction to the District Boards in the matter." The other matter does not arise.

Mr. CHARU CHANDRA ROY: I would ask the first portion of the question whether the teachers are getting their salaries.

Mr. SPEAKER: That is no concern of the Hon'ble Minister. That is the concern of the local body. You can certainly ask the question, as you have asked, namely, whether sanction was given by Government.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি হাউসকে এই খবরটা দেবেন—এ স্কুলগুলি অবৈতনিক স্কুল না মেয়েদের মাইনে দিয়ে পোড়তে হয়?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় (*d*) (*i*) প্রশ্নের উত্তরে যে বোলেছেন I am not aware of the fact —এটা কি তিনি অবগত নন যে মফস্বলে হিন্দু এবং মুসলমান সম্প্রদায়ের বেশীর ভাগ লোকই ছেলেমেয়েদের এক সঙ্গে ক্লাস করা আপত্তিজনক মনে করে?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, there is a feeling against co-education. I know that.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে বোলবেন ময়মনসিংহ জেলায় মেয়েদের জন্য প্রাইমেরী স্কুল খোলার গভর্ণমেন্টের কোন কল্পনা আছে কি?

The Hon'ble Mr. A. K. FAZLUL HUQ: The whole question of starting primary schools is being considered. It cannot be considered piecemeal.

Government grants to madrassahs and Scheduled Caste schools (middle English and high English) in Jessore.

*93. **Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the present number and names of—

(*i*) madrassahs (senior and junior) for the Muslims; and

(*ii*) middle English and high English schools for the Scheduled Castes, existing in the district of Jessore?

(*b*) Do any of them get any grant-in-aid from the Government?

(*c*) If so, will the Hon'ble Minister be pleased to state their names and the amount of monthly grant received by each of them?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement is laid on the table.

Statement referred to in the reply to starred question No. 93.

STATEMENT OF GOVERNMENT GRANTS TO MADRASSAHS AND SCHEDULED CASTE SCHOOLS (MIDDLE ENGLISH AND HIGH ENGLISH) IN THE DISTRICT OF JESSORE.

		Amount of grant received from Government.
	Senior Madrassahs.	Rs.
1.	Jhinkargacha	50
2.	Magura	60
	Junior Madrassahs.	
1.	Basundia	40
2.	Baitchitala	50
3.	Darmutia	25
4.	Jhenida	70
5.	Khaitola	50
6.	Kashipur	50
7.	Maulanabad	50
8.	Parbatipur	70
9.	Raghunathpur	75
10.	Chachai Dhonai	35
11.	Lahuria	35
12.	Alikdia	30
13.	Goraganja	30
14.	Joypur	30
15.	Bonogram	30
16.	Durgapur	30
17.	Hat Fazilpur	Nil.
18.	Nakashi	"
19.	Nahatta	"
20.	Baighona	"
21.	Jhanpur	"

HIGH ENGLISH AND MIDDLE ENGLISH SCHOOLS FOR SCHEDULED CASTES IN THE DISTRICT OF JESSORE.

		Amount of grant made from General Fund.	Amount of grant sanctioned during the current financial year out of the special allotment for Scheduled Caste institutions.
	High Schools.		Rs.
1.	Mashiahati ..	Rs. 100 per month ..	500
	Middle English Schools.		
1.	Maliat ..	Nil	250
2.	Bamanhat ..	,,	250
3.	Damukhali ..	,,	250
4.	Khamarpara Khati ..	,,	250
5.	Folia ..	,,	250
6.	Andha ..	,,	250
7.	Churargati ..	,,	250
8.	Gopalpur ..	,,	250

Mr. RASIK LAL BISWAS: এই টেবিলে মাদ্রাসাগুলিকে মাসিক সাহায্যের যে তালিকা এখানে আছে এগুলি থেকে কিছুই উপলব্ধি হয় না।

Mr. SPEAKER: That is in the reply itself.

Mr. RASIK LAL BISWAS: Scheduled Caste স্কুল যে ২৫০ টাকা কোরে পেয়েছে এটা গত বৎসর একবার মাত্রই পেয়েছে, এটা recurring grant নয়। একথা কি সত্য?

Mr. SPEAKER: It is quite clear.

Mr. RASIK LAL BISWAS: Scheduled Castes দের জন্য কোন Middle English স্কুলে গভর্ণমেন্ট থেকে কোন সাহায্য নাই, গভর্ণমেন্ট তাদের সাহায্য দেবেন কি না সে বিষয় কোন চিন্তা কোরেছেন কি?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not see why there should be a competition started between poor Madrasahs and Middle English Schools. There is absolutely no competition and no discrimination and my honourable friend will find that while we have given Rs. 2,500 to the Scheduled Caste Schools, Madrasahs have got about Rs. 790 only. It is true they are not at the present moment recurring but the question of these grants will be reviewed from year to year and as soon as there are sufficient number of students the grants will be made monthly.

Mr. RASIK LAL BISWAS: এই যে ২৫০৲ টাকা কোরে যে grant দেওয়া হয়েছে এসব পাঁচ লক্ষ টাকার যে Scheduled Castes Education Fund ছিলো সেই Fund থেকে দেওয়া হোয়েছে? মন্ত্রীমহাশয় জানেন কি ঐ ৫ লক্ষ টাকা থেকে আর কোথাও টাকা দেবার মতন ব্যবস্থা নাই?

Mr. SPEAKER: That question does not arise.

Muhammadan clerks in lower division in civil courts in Bankura.

*95. **Khan Bahadur Dr. SYED MUHAMMAD SIDDIQUE:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state with reference to the civil courts in the district of Bankura for the last five years—

(*a*) whether Muhammadan clerks in the lower division were allowed to work in higher grade posts;

(*b*) whether in cases of leave vacancies in the upper division Muhammadan clerks were allowed to officiate;

(*c*) whether junior non-Muhammadan clerks were given preference to officiate in the upper division;

(*d*) how many leave vacancies occurred during the period; and

(*e*) the manner in which they were filled up (giving names, educational qualifications and pay of the officers so appointed)?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) and (*b*) Yes.

(*c*) There are such instances.

(*d*) 12.

(*e*) A statement is laid on the table.

Statement referred to in the reply to clause (e) of starred question No. 95, showing names, educational qualifications, etc.

Leave vacancy.	1935-1939 to date. Period.	Persons officiated.	Pay.
			Rs.
(1) Babu S. C. Guha, Sheristadar.	24-4-35 to 22-8-35	In his place Babu D. C. Ganguly, M.A., Head Clerk.	135
		In his place Babu L. K. Sinha, B.A., Accountant.	136
		In his place M. Muhammad, B.A., Sheristadar, Munsif's Court.	98
		In his place Babu Subodh Ch. Das, B.A., Clerk.	80
(2) Babu Manindra M. Gupta, Nazir.	30-10-35 to 16-1-36	In his place Babu Lalit Kumar Sinha, B.A., Head Clerk.	136
		In his place Babu Ram Krishna Mukherji, Clerk.	46
(3) Babu L. K. Sinha, Head Clerk.	5-4-37 to 4-5-37 ..	In his place Babu Amal Chandra Banarji, B.A., Stenographer.	75
(4) M. Muhammad, Accountant.	9-4-37 to 8-6-37 ..	In his place Babu Ashutosh Pal, B.A., Assistant Accountant.	80
(5) Babu Manmathanath Mukherji, Sheristadar, Munsif's Court.	19-4-37 to 18-6-37	In his place Babu Suryya Narain Nag, Clerk.	80
(6) Babu Pramathanath Mahapatra, Sheristadar, Munsif's Court.	3-5-37 to 2-6-37 ..	In his place Babu Ram Sadan Mukherji, Clerk.	80
(7) Babu D. C. Ganguly, Sheristadar.	14-6-37 to 24-6-37	In his place Babu L. K. Sinha, B.A., Head Clerk.	155
		In his place Babu Amal Chandra Banerji, B.A., Stenographer.	75
(8) M. Muhammad, Accountant.	30-8-37 to 2-10-37	In his place Babu A. T. Pal, B.A., Assistant Accountant.	80

Leave vacancy.	1935-1939 to date. Period.	Persons officiated.	Pay.
			Rs.
(9) Babu Shayamapada Chatterji, Head Clerk.	6-7-38 to 15-7-38 ..	In his place Babu Amal Chandra Banerji, B.A., Stenographer.	80
(10) Babu Bharat Chandra Biswas, Bench Clerk, District Judge's Court.	19-8-38 to 22-9-38	In his place Babu Manujendra Gupta, B.A., Clerk.	54
(11) Babu Shyamapada Chatterji, Head Clerk.	3-1-39 to 19-2-39 ..	In his place Babu Amal Chandra Banerji, B.A., Stenographer.	80
(12) Babu Ram Krishna Banerji, Sheristadar, Munsif's Court.	9-8-39 to 11-10-39	In his place Babu Narendra Nath De, Clerk.	74

Management of Anjuman Islamia, Darjeeling.

*96. **Maulvi MD. HASANUZZAMAN:** Will the Hon'ble Minister in charge of the Education (Wakf) Department be pleased to state—

(*a*) whether Anjuman Islamia, Darjeeling, is managed by a wakf property;

(*b*) whether the proprietor has registered his property and submitted his statement to the Wakf Commissioner;

(*c*) whether the records of the wakf property have ever been inspected by any officer;

(*d*) if so, when;

(*e*) whether any petition has been made by public to enquire into the matter; and

(*f*) if so, what steps, if any, have been taken up to date?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*e*) Yes.

(*b*) and (*c*) No.

(*d*) Does not arise.

(*f*) The President of the Committee was asked to enrol the wakf estate. The new President recently elected has applied for time to submit the enrolment application. Enquiry will be made, if necessary, after the enrolment.

Promotion of clerks in Civil Courts, Faridpur.

*97. **Mr. MOHAMMAD ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing for five years from 1934 to 1938—

(*i*) the names of lower division clerks of the Civil Courts of Faridpur district appointed in the upper division with names of those clerks who have been superseded with—

(1) academic qualifications,

(2) length of service, and

(3) nature of officiating

appointments held by each;

(*ii*) in how many of these cases the instructions contained in rule (10) (*a*), (*b*) and (*c*) of the High Court Rules and Orders regarding issue of notice and recording of proceedings and reasons were not followed and by whom (giving names); and

(*iii*) how many representations were against these higher appointments by those whose claims were superseded, and with what result?

(*b*) What appointment was made from lower to higher division in 1939, by whom, and how many representations have been submitted against this appointment?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Necessary statements are laid on the table.

(*ii*) Three, i.e., Nos. 4, 5 and 6 in statement "A" In case of appointment No. 4 the rules were complied with excepting that no notices were given.

In case of No. 5 the man was already officiating successfully in a higher grade vacancy from before. Notice for this vacancy was circulated. He had to revert on the reversion of the permanent incumbent and then again he was appointed in 1937 to another higher grade vacancy on reasons of merit.

In case of No. 6, the reason is similar to that of No. 5 above.

Appointments 4 and 5 were made by Rai K. B. Roy Bahadur, District Judge, since retired and 6 by Mr. H. G. S. Bivar, I.C.S.

(*iii*) One representation was submitted to the District Judge in the case of appointment No. 4 of Babu Subodhananda Ray in which no notices were circulated. The representation was rejected.

(*b*) The appointment of District Judge's Nazir was made in 1939 by Maulvi S. A. Ali, District Judge. Twelve representations have been submitted against this appointment, of which 11 to both Government and High Court and one to High Court only.

Statement "A" referred to in the reply to clause (a) (i) of starred question No. 97, showing the persons superseded by each promotion from Lower to Higher grade (1934 to 1938).

Names of persons promoted.	Serial number in the list.	Persons superseded.
(1) Krisna K. Ganguly ..	55	Nos. 1 to 54.
(2) Surendra K. Banerjea ..	20	Nos. 10 to 19 excepting Nos. 12 and 13.
(3) Zahed Ali Khan ..	19	Nos. 10 to 18 excepting Nos. 12 and 13.
(4) Subodhananda Roy ..	24	Nos. 2 to 23 excepting Nos. 5, 9, 12 and 13.
(5) Lutfar Rahaman ..	26	Nos. 10 to 25 excepting Nos. 12, 13, 19, 20 and 24.
(6) Prabhat Chandra Paul ..	65	Nos. 11 to 64 excepting Nos. 12, 13, 19, 20, 23, 24, 26, 41, 43, 44, 46, 55 and 58.

Statement referred to in the reply to clause (a) (i) (1), (2) and (3) of starred question No. 97, showing particulars of promotions between 1934 and 1938.

Name	Educational qualification.	Krisna K. Ganguli No. 55 gets lift on 1-5-1934.		Surendra K. Banerjee No. 20 gets lift on 16-7-1936.		Zahed Ali Khan No. 19 gets lift on 17-11-1936.		Subodhananda Roy No. 20 gets lift on 11-1-1937.		Lutfar Rahman No. 26 gets lift on 12-2-1937.		Prabhat Ch. Paul No. 65 gets lift on 16-2-1938.	
		Length of service	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service	Officiating appointment held.	Length of service.	Officiating appointment held.
Grade Rs. 80—2—100.		Y. M		Y. M.		Y M.		Y. M.		Y. M		Y. M.	
(1) Jogendra N. Sarkar (a).	Read up to Entrance	29 10	.	.	.	.	.	..	.	.	..	..	..
(2) Aditya N. Roy (b)	Ditto	26 0		.	..		..	28 8	..	..	..	..	..
(3) Priya N. Mookerjee (c).	Entrance passed	31 1	.		..	.		33 9	.	..	..	..	..
(4) Barada K. De .	Ditto .	21 4		..		..	..	24 0	.	.	..	..	..
(5) Ananga M. Bhattacharjee (d).	Read up to F A.	27 5			..		..	..		..	..	..	..
(6) Heramba M. Ghosh	Read up to Entrance.	21 4	.		.	.		24 0	Appointed Sub-Judge's Sheristadar, but was reverted.	.	..	..	..
(7) Abani M. Ganguli	I. A. ..	13 8	.	.	..	.	..	16 4	..	..	..	..	..
(8) Dinesh Ch. Banarjee	Read up to I.A.	14 1		..	.		..	16 9	..	..	..	..	..
(9) Syama Ch. Halder	Matric. ..	14 1	District Judge's Peshkar	..	..	..	..	..	..	..	..	..	..
Grade Rs. 35—5—40—2—65—3/2—80.													
(10) Nibaran Ch. Banerjee (e).	Entrance plucked	27 8		29 10	..	30 2	..	30 4	..	30 5	..	..	..
(11) Israil Haque (f) ..	Ditto ..	27 5	..	29 7	..	29 11	..	30 1	..	30 2	..	31 2	..

(12) Rash B. Basu (g) ..	Ditto ..	29 3	..	..	..	..	..	..	..	..	..	..	..	..
(13) Bipin B. Ganguli (h)	Ditto ..	25 1	.	.	.	..	..	..	..	..	..	..	..	..
(14) Md. Muzzem (i) ..	Ditto .	25 5	.	27 7	..	27 11	.	28 1	.	28 2	..	29 2	..	
(15) Kushal Ch. De ..	Entrance passed	21 3		23 5		23 9	.	23 11	..	24 0	..	25 0	..	
(16) Srinath Roy ..	Matric. .	21 3		23 5		23 9	.	23 11	..	24 0	..	25 0	..	
(17) Girindra M. Sen ..	Entrance passed	20 9	Sheristadar, Additional Munsif's Court.	22 11		23 3	..	23 5	.	23 6	..	24 6	..	
(18) Kshitis Ch. Roy Chaudhury.	Matric. .	21 3	Sheristadar, Munsif's Court	23 5		23 9		23 11	..	24 0	..	25 0	..	
(19) Zahed Ali Khan ..	Read up to I.A	19 10	Do. ..	22 0		22 4	Promoted on 17th November, 1936.	.	..	..	..	..	..	
(20) Surendra K. Banerjee.	Matric. ..	19 3	Do., and Sub-Judge's Court	21 5	Promoted on 16th July, 1936			..	..	..	..	..	..	
(21) Abdul Latiff ..	Non-Matric. .	19 1		21 3		21 7	..	21 9	.	21 10	..	22 10		
(22) Narendra Ch. Marumdar.	Ditto	18 2		20 4	Sheristadar, Munsif's Court.	20 8	..	20 10	..	20 11	..	21 11	..	
(23) Amrita Lal Chatterjee (j).	Read up to Entrance	18 2		20 4	.	20 8	..	20 10	..	20 11	..	..	..	
(24) Subodhananda Roy	Non-Matric. .	18 2	Sub-Judge's Sheristadar.	20 4	.	20 8	..	20 10	Promoted on 11th January, 1937.	..	..	..	..	
(25) Hemanta K. Basu	Read up to I.A.	17 6	Sheristadar, Munsif's Court.	19 8	.	20 0	.	20 2	..	20 3	..	21 3	..	

(a) Retired on 16th July, 1936.
(b) Retired on 12th February, 1937.
(c) Retired on 16th February, 1938.
(d) Retired on 16th September, 1936.
(e) Died on 3rd December, 1937.
(f) Retired on 16th January, 1939.
(j) Retired on 11th November, 1937.
(g) Retired on 16th May, 1934.
(h) Retired on 1st July, 1934.
(i) Died on 12th September, 1938.

Name.	Educational qualification	Krisna K Ganguli No. 55 gets lift on 1-5-1934		Surendra K. Banerjee No 20 gets lift on 16-7-1936		Zahed Ali Khan No 19 gets lift on 17-11-1936.		Subodhananda Roy No 20 gets lift on 11-1-1937.		Lutfar Rahman No. 26 gets lift on 12-2-1937.		Prabhat Ch. Paul No. 65 gets lift on 16-2-1938	
		Length of service.	Officiating appointment held.	Length of service	Officiating appointment held	Length of service	Officiating appointment held	Length of service	Officiating appointment held	Length of service.	Officiating appointment held.	Length of service	Officiating appointment held.
		Y. M.		Y M		Y M		Y. M		Y. M.		Y. M.	
(26) Lutfar Rahman ..	Read up to Entrance.	17 0	..	19 0	Sheristadar, Munsif's Court.	19 4	.	19 6		19 7	Promoted on 12th February, 1937.	..	..
(27) Pramatha N. Sen ..	Entrance plucked	17 0	..	19 0	.	19 4	.	19 6	.	19 7	..	20 7	
(28) Kshitis Ch. Sen Gupta.	I.A. .	16 8	..	18 10		19 2	.	19 4	..	19 5	..	20 5	.
(29) Rash B. Bar ..	Read up to I A.	16 5	..	18 7	Nazir, Judge's Court	18 11	..	19 1	..	19 2	..	20 2	..
(30) Harendra K. Sanyal	Matric. .	16 4	..	18 6		18 10		19 0	..	19 1	..	20 1	..
(31) Devendra N. Das Gupta.	Read up to I A	16 4	Sheristadar, Additional Judge's and Additional Sub-Judge's Court	18 6		18 10	.	19 0	..	19 1	..	20 1	..
(32) Md. Mohiuddin ..	Matric.	16 3	...	18 5		18 9		18 11		19 0	..	20 0	..
(33) Nurol Hai Fazal Haque.	Entrance passed	19 7	Sheristadar, Munsif's Court.	21 9		22 1		22 3		22 4	..	23 4	..
(34) Lal Mohon Chakravarti.	Entrance plucked	16 1	Do. ..	18 3		18 7		18 9	..	18 10	..	19 10	..
(35) Khirode Ch. Chiry	I.Sc. plucked ..	16 1	..	18 3	Sheristadar, Munsif's Court.	18 7		18 9	..	18 10	..	19 10	..

(36) Md. Abdullah ..	Read up to I.A...	16	1	..	18	3	..	18	7	..	18	9	..	18	10	..	19	10	..
(37) Ahmed Khan ..	Ditto ..	16	1	..	18	3		18	7	.	18	9	..	18	10		19	10	..
(38) Surendra N. Chatterjee.	Matric. ..	15	7	Sheristadar, Munsif's Court.	17	9	..	18	1	.	18	3	.	18	4		19	4	..
(39) Jogesh Ch. Gangull	Read up to I A..	15	5		17	7		17	11	.	18	1	.	18	2		19	2	..
(40) Abdul Mannaf ..	Matric. ..	16	1	Sheristadar, Munsif's Court	18	3		18	7		18	9		18	10		19	10	..
(41) Jogendra Ch. Chakravarti (a).	Ditto ..	15	4		17	6	.	.		.			..	.		.			..
(42) Haralal Choudhuri	I.Sc. plucked ..	15	0	Sheristadar, Additional Judge's Court, and Peshkar, Judge's Court.	17	0	..	17	4		17	6	.	17	7	.	18	7	..
hizer Ahmed (b)	Matric. ..	14	11					..		..			..	..					..
(44) montaruddin Ahmed (c).	Read up to I A...	14	10		17	0		17	4		17	6	..	17	7				..
(45) Rafiqueddin Khan	Matric.	14	10		17	0		17	4		17	6	.	17	7	.	18	7	..
(46) Monoranjan Das Gupta (d).	I.A. plucked .	14	10	.	17	0		17	4		17	6	..	.			.		..
(47) Mokbul Hossain .	Matric. .	14	10		17	0		17	4		17	6	..	17	7		18	7	
(48) Joyneuddin Ahmed	Non-Matric.	14	6		16	8	.	17	0	..	17	2	.	17	3	.	18	3	
(49) Upendra N. Chatterjee.	Matric.	14	5	..	16	7		16	11		17	1		17	2		18	2	
(50) Abdul Wajid ..	Read up to B.A.	14	4		16	6	.	16	10	..	17	0	.	17	1	..	18	1	
(51) Ramesh Ch. Maitra	Non-Matric. ..	14	1	..	16	3	..	16	7	..	16	9	.	16	10	.	17	10	
(52) Ashutosh Basu ..	Read up to Entrance.	14	1	..	16	3	.	16	7	..	16	9	..	16	10	.	17	10	

(a) District transfer on 25th June, 1936.
(b) Died on 25th February, 1936.
(c) Died on 23rd August, 1937.
(d) Died on 6th January, 1937.

Name	Educational qualification.	Krisna K. Gangull No. 55 gets lift on 1-5-1934.		Surendra K. Banerjee No. 20 gets lift on 16-7-1936.		Zahed Ali Khan No. 19 gets lift on 17-11-1936.		Subodhananda Roy No. 20 gets lift on 11-1-1937.		Lutfar Rahman No. 26 gets lift on 12-2-1937.		Prabhat Ch. Paul No. 65 gets lift on 16-2-1938.	
		Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.	Length of service.	Officiating appointment held.
		Y. M.		Y M		Y. M.		Y. M.		Y. M.		Y. M.	
(53) Surendra P. Ghosh	Matric. ..	14 1	..	16 3	..	16 7	..	16 9	..	16 10	..	17 10	
(54) Tofazzel Hossain	Ditto ..	14 1	.	16 3	..	16 7	..	16 9	..	16 10	..	17 10	
(55) Krishna K. Ganguli.	Ditto ..	14 1	Promoted on 1st May, 1934.	..	..	..	..	..	..	..	..	..	
(56) Nuruddin Ahmed	Ditto ..	14 1	.	16 3	.	16 7	..	16 9	..	16 10	.	17 10	
(57) Chiranjib Majumder.	Ditto ..	14 1		16 3	..	16 7	..	16 9	..	16 10	..	17 10	
(58) Debananda Das(a)	Ditto ..	14 1	.	16 3	.	..	..	.	..	..	..	..	
(59) Azahar Ali ..	I.A. plucked ..	14 1	..	16 3	..	16 7	..	16 9	..	16 10	..	17 10	
(60) Ramani M. Chakravarti.	Ditto ..	14 1	..	16 3	..	16 7	.	16 9	..	16 10	..	17 10	
(61) Monomohon Kar	Read up to I.A.	14 1	..	16 3	.	16 7		16 9	.	16 10	..	17 10	
(62) Haladhar Chatterjee.	Read up to B.A.	14 0	Sheristadar, Munsif's Court.	16 2		16 6	..	16 8	..	16 9	..	17 9	
(63) Madan M. Saha ..	B.A. ..	14 0	.	16 2	Sheristadar, Munsif's Court.	16 6	..	16 8	..	16 9	..	17 9	
(64) Birendra N. Ghosh	Read up to I.A.	13 5	..	15 7	.	15 11	..	16 1	..	16 2	..	17 2	
(65) Prabhat Ch. Paul (b).	B.A. ..	13 5	..	15 7	Sheristadar, Munsif's Court.	15 11	..	16 1	..	16 2	..	17 2	

(a) Died on 10th January, 1936.

(b) Promoted on 16th February, 1938.

Clerical appointments made in District Judge's Office, Bankura, during 1939.

*98. **Khan Bahadur Dr. SYED MUHAMMAD SIDDIQUE:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state how many clerical appointments have been made both in the upper and lower divisions in the District Judge's Office, Bankura, since 17th March, 1939?

(*b*) Has any Muhammadan been appointed in any of the posts?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) What is the present percentage of Muhammadan clerks in the upper and lower divisions as against the total strength in each division?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Two in the upper division posts only.

(*b*) No.

(*c*) These two promotions were made, one being that for the post of the Stenographer of the Subordinate Judge and the other being that for the post of a Munsif's Sarishtadar.

The vacancy for the post of the Stenographer was widely advertised throughout the Province and candidates representing all communities were asked to sit for a test. No Muslim candidate appeared but one from the Depressed Class did. A junior Hindu clerk of this office who is an M.A., and who was officiating in the post from before, was found to be the best and he was appointed.

For the post of the Munsif's Court Sarishtadar, the seniormost clerk, who is a Hindu and has rendered over 26 years' service being the fittest person for the post, was promoted. Previous to this, this clerk had also officiated as such. The seniormost Muslim clerk stands junior to him by 5 places.

(*d*) Upper division 7·7 per cent. and lower division 17·3 per cent.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what are the papers in which the vacancy for the post of stenographer was advertised?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The advertisement was made by the office and I cannot say what are the papers in which it was advertised. But I can tell my friend in this connection that I have quite recently passed an order to the department to hold a test examination for Muslim stenographers who

will be suitable for appointment in mufassil and when the test is held and we get a list of persons suitable for these posts we will supply candidates from Calcutta.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that this post was not advertised in the notice board of the office?

Mr. SPEAKER: That question does not arise. It was advertised in the paper.

Appeals against orders of Debt Settlement Boards.

*99. **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the years 1937 up to October, 1939, with regard to the appeals preferred against the orders of the different Debt Settlement Boards before the Subdivisional Officers in Dinajpur—

(*a*) dates of filing;

(*b*) dates of final order passed;

(*c*) the reasons for the delay in final disposal; and

(*d*) the reasons for not disposing the appeals pending?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*b*) There were 668 such appeals and the preparation of a detailed statement involves an amount of labour which, I regret, I do not consider to be justified.

(*c*) I am satisfied that there is no undue delay in disposing of these appeals.

(*d*) On the 1st December only fourteen appeals were pending over two months: a detailed statement of these is laid on the table.

Statement referred to in the reply to clause (d) of starred question No. 99.

Sadar subdivision.—Six appeals were pending for more than two months on the 1st December, 1939; of these three were fixed for hearing on or before the 13th December, and the disposal of the remaining three is delayed because the records of the original cases before the Boards have been destroyed by fire.

Thakurgaon subdivision.—Nil.

Balurghat subdivision.—Eight appeals were pending for more than two months on the 1st December, 1939. In four of these delay is caused by the failure of the Chairman of the Board to send up his remarks upon the grounds of appeal; in three others the appellant himself prayed for adjournment, and in the eighth case delay was caused by the absence of the Appellate Officer on tour.

Mr. NISHITHA NATH KUNDU: With reference to answers (*a*), (*b*) and (*c*) will the Hon'ble Minister be pleased to state how he satisfied himself that there was no undue delay in disposal of the cases without reference to the date of filing and date of disposal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the matter was referred to the Collector and his report shows that no appeal was pending for more than two months excepting those mentioned already in my answer.

Appointment of primary school teachers in Mymensingh.

***100. Mr. MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of primary school teachers appointed in the district of Mymensingh from the commencement of the free primary education up till now; and

(*ii*) the number of those taken from—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes?

(*b*) Will the Hon'ble Minister be pleased to state on what basis the appointments have been made?

(*c*) If the appointments have been made on the local population basis, will the Hon'ble Minister be pleased to state the total population of the Muhammadans, Caste Hindus and the Scheduled Castes showing separately?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*)(*i*) 5,467.

(*ii*) (1) Muslims	...	4,092
(2) Caste Hindus	...	1,105
(3) Scheduled Castes	...	238
(4) Others	...	32.

(*b*) On local population basis, as far as practicable.

(*c*) Muslims ... 3,927,552

Hindus ... 1,174,328 (including Scheduled Castes).

The figure for Scheduled Castes is not available as the list of Scheduled Castes was modified after the census of 1931 had been taken.

Mr. RASIK LAL BISWAS: এখানে মন্ত্রীমহাশয় জবাবে বোলেছেন—Scheduled Castes available হয় নাই—তিনি কি জানেন Scheduled Castes——

Mr. SPEAKER: You must first ask whether Government is responsible in any way for these appointments.

Mr. RASIK LAL BISWAS: এই যে সমস্ত appointment এখানে দেখানো হয়েছে, এই সমস্ত appointment প্রত্যেক সম্প্রদায়ের সংখ্যানুসারে কোরতে হবে, এরকম কোন direction গভর্ণমেন্ট তাদের কর্ম্মচারীদের দিয়েছেন কি?

The Hon'ble Mr. A. K. FAZLUL HUQ: No. Sir, may I answer in Bengali in which language the honourable member put the question. It will be much better if I speak in Bengali as I shall be able to make the position more clear.

Mr. SPEAKER: No, the honourable member understands English quite well.

Mr. MONOMOHAN DAS: With reference to the last two sentences of the answer, the figures for the district of Mymensingh have not been ascertained. But here we find that the number of Scheduled Caste teachers has been given. May I enquire on what basis it is stated that 238 teachers have been appointed from the Scheduled Castes and 1,105 from the Caste Hindus?

Mr. SPEAKER: That is a matter for the School Board, and therefore you cannot ask this question.

Mr. MONOMOHAN DAS: Sir, my question is this. We find from answer (*b*) that appointments have been made there on the local population basis, but we find from the last two sentences of the answer that the population of the Scheduled Castes has not been ascertained——

Mr. SPEAKER: You may ask for that answer from the Mymensingh District School Board.

Mr. MONOMOHAN DAS: Sir, it is not a matter of the School Board. My submission is this——

Mr. SPEAKER: You must first ask whether Government is responsible. I have already given you a direction. Then you can put the other question.

Mr. MONOMOHAN DAS: Will the Hon'ble Minister be pleased to state whether Government has not any responsibility over the School Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I point this out to my honourable friend? In the first place appointments are made by the District School Boards and no directions are given by Government to the members of the District School Boards to act in a particular manner but at the same time a reference to the figures will show that Muslim population is about 78 per cent. in Mymensingh and the appointments made do not exceed 78 per cent. As regards my last answer, it only means that it is not possible for the Government at the present moment to discriminate between Scheduled Castes and Caste Hindus because certain changes have taken place, but locally the people know the ratio and I have reason to believe that the local ratio has been adhered to and on the whole the number of appointments given to Hindus—Caste Hindus and Scheduled Castes—do not fall below their population basis.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of giving directions to School Boards to follow Government's own decision regarding communal percentage in services in the matter of appointments or to follow a principle of proportionately having teachers in proportion to the number of students belonging to the respective communities?

The Hon'ble Mr. A. K. FAZLUL HUQ: In the first place, Sir, Government communiqué relates to Government services only. These are not Government appointments at all.

Dr. NALINAKSHA SANYAL: Do Government consider the desirability of following the same principle everywhere?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government follows the same principle in all Government services everywhere. It ought to be followed all over Bengal.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister considering the desirability of issuing similar instructions to all self-governing autonomous bodies? (Laughter.)

(No reply.)

Transfer of Civil Court clerks of the 24-Parganas from Sadar to mufassal and vice versa.

*103. **Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) whether the clerks of the Civil Court of 24-Parganas are transferred from Sadar to *mufassal* and *vice versa* under rule 1007 of Civil Rules and Orders;

(*ii*) whether the principle laid down in that rule is observed in making such transfers; and

(*iii*) whether each clerk is made to serve for 5 years at *mufassal* before being brought to Sadar;

(*iv*) the total period of service of Babu Mohendra Samaddar, Babu Bimala Kanta Sarkar and Protul Chandra Rai Chaudhuri rendered at Sadar and *mufassal* respectively; and

(*v*) whether they have completed 5 years' service at *mufassal*?

(*b*) If the answer to (*a*) (*v*) is in the negative, will the Hon'ble Minister be pleased to state the reason for which they have been brought to Sadar?

(*c*) Will the Hon'ble Minister be pleased to state whether clerks of longer service other than those mentioned in (*a*) (*iv*) are still in *mufassal*?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state why they were not brought to Sadar in preference to other clerks having longer service in *mufassal*?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Yes, under rules 1007 to 1009 of the Civil Rules and Orders.

(*ii*) Yes.

(*iii*) Yes, except in special cases.

(*iv*) Mahendralal Samaddar—1st May, 1918, to 3rd March, 1936, and 1st April, 1939, to date at Sadar; 4th March, 1936, to 31st March, 1939, at *mufassal*.

Bimalakanta Sarkar—1st May, 1917, to 2nd April, 1935, and 19th December, 1938, to date at Sadar; 3rd April, 1935, to 18th December, 1938, at *mufassal*.

Pratul Chandra Roy Chaudhuri—21st February, 1922, to 3rd December, 1937, and 23rd May, 1939, to date at Sadar; 4th December, 1937, to 22nd May, 1939, at *mufassal*.

(*v*) No.

(*b*) For administrative reasons.

(*c*) Yes, there are a few.

(*d*) It is not possible to transfer all clerks who have served at *mufassal* for 5 years or more for the following reasons:—

(1) A good many clerks prefer *mufassal* stations to Sadar.

(2) The lower grade clerks at Sadar form only 43 per cent. of the total strength and hence each and every clerk cannot be brought to Sadar.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether in view of the small pay of these clerks their convenience is considered at the time of transfer?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Certainly

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether it is a fact that a number of clerks have been brought to Alipore Sadar from mufassil although they have not completed five years of their service there?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: In one case only.

Kazi EMDADUL HAQUE: May I know what is the ground for such a transfer in that case?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: For administrative reasons.

Observance of Water-hyacinth Week and expenditure therefor.

***104. Mr. MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Water-hyacinth Week was observed voluntarily by the local public and the Hon'ble Ministers including other officials who went on tour to cheer up the volunteers?

(*b*) Will the Hon'ble Minister be pleased to state whether any amount was spent as travelling allowances of the officials including the Hon'ble Ministers for the purpose?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the amount drawn by each of—

(1) Hon'ble Ministers,

(2) gazetted officers, and

(3) ministerial staff,

as travelling allowances?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) The Water-hyacinth Week was observed voluntarily by the public. Local officials went on tour during the week for the purpose of organising and directing the efforts of the volunteers. Hon'ble Ministers toured in various parts of the Province during the Week with a view to impressing on the public the importance of the campaign and its significance as a measure of rural improvement.

(b) The answer is in the affirmative.

(c) It is not possible to give the figures as the Hon'ble Ministers performed other duties along with the supervision of the water-hyacinth work and did not submit any separate bills on account of the Water-hyacinth Week. Gazetted and ministerial officers also drew travelling allowance for this work from their respective departments along with the travelling allowance for other work.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to what was the total amount of the travelling allowance that was drawn by the gazetted officers and the ministerial staff if it is not possible to give the total amount of the travelling allowance drawn by the Ministers.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, it would be very difficult to get the total amount, in this case also; as I have already indicated the travelling allowances were not drawn by these officers for this duty alone.

Mr. ATUL KRISHNA GHOSE: How is it that the department of the Hon'ble Minister is not in a position to give the figures of the total amount of travelling allowance drawn by the gazetted and the ministerial staff that were particularly deputed for the water-hyacinth week?

Mr. SPEAKER: How can you assume that there were some officers at all who were particularly deputed for this work?

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister has already admitted that, Sir.

Mr. SPEAKER: Where?

Mr. ATUL KRISHNA GHOSE: In his answer (c) as follows: "Gazetted and ministerial officers also drew travelling allowance for this work.....," so that it is clear that some local officers also went on tour during the water-hyacinth week, to organize this matter.

Mr. SPEAKER: Well, that does not mean that they were deputed!

Mr. ATUL KRISHNA GHOSE: And I want to know the expenditure incurred by these officers.

Mr. SPEAKER: So ask your question accordingly.

Mr. ATUL KRISHNA GHOSE: That is what I have done, Sir. But beyond stating that it is difficult or not possible the Hon'ble Minister does not tell us what his difficulty is. So my next question will be: Will the Hon'ble Minister please state what is the difficulty in collecting the figures of the total amount of the expenditure incurred in connection with the travelling allowance of the gazetted officers and the ministerial staff while they were on tour during the water-hyacinth week?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have already pointed out the difficulty, namely, that, many of the officers did this work as well as other work. So whatever be the travelling allowance that they drew it cannot be said that they drew it for this business alone.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state if it is not a fact that such officers were particularly deputed for the water-hyacinth week, and what was the total amount in travelling allowance incurred by them in this connection?

Mr. SPEAKER: Say special officers.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, first of all it will have to be ascertained what is the total number of officers who toured on this business and then the whole information will have to be collated; so, I think it will not be possible for me to answer the question off-hand, nor will it be easy to collect this information.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state who were the Ministers who toured in connection with the water-hyacinth week?

The Hon'ble Mr. TAMIZUDDIN KHAN: All the Ministers,—almost.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি এই উপলক্ষে মিনিষ্টারদের যে ফটো তোলা হোয়েছিলো এবং তাঁদের যে সব ফুলের মালা গলায় দেওয়া হোয়েছিলো সে সব খরচা কারা বহন কোরেছিলো?

(No reply.)

Transfer by District Judge, 24-Parganas, of clerks from one office to another.

***105. Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether it is a fact that in making transfers the District Judge of 24-Parganas now-a-days invites applications from the clerical staff for the purpose of selecting suitable candidates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay a statement on the table showing for the period from November, 1938, to September, 1939, the posts in the following categories which fall vacant in the different Civil Courts in the district of 24-Parganas for the filling up of which applications were—

(*i*) invited; and

(*ii*) not invited, namely—

(1) Execution clerks,

(2) Bench clerks,

(3) Naib Nazirs,

(4) Nazirs,

(5) Sessions clerks,

(6) 2nd clerks,

(7) Title Appeal clerks,

(8) Insolvency clerks, and

(9) Guardianship clerks?

(c) If applications were not invited for all or any of the posts referred to in (b), will the Hon'ble Minister be pleased to state—

(i) why the differentiation was made; and

(ii) what procedure was adopted for the selection of incumbents of these posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) No.

(b) and (c) Do not arise.

Decrease in civil and criminal suits.

*106. **Mr. SERAJUL ISLAM:** (a) Is the Hon'ble Minister in charge of the Judicial Department aware that for some years past there has been a considerable decrease of both civil and criminal cases in the Province?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of such decrease?

(c) Is the Honble Minister aware that legal practitioners, their clerks and other dependants have been hard hit by the decrease of court cases?

(d) What action do the Government propose to take for solving the unemployment problem of these lawyers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) Yes; there has been a decrease in the number of civil suits.

(b) Economic depression is the main cause

(c) No.

(d) Does not arise.

Mr. ABDUL WAHAB KHAN: With reference to answer (c), in view of the fact that the Hon'ble Minister has given up his practice long ago, will he please state what is the source of his information that legal practitioners, their clerks and other dependants have not been hard hit by the decrease of court cases?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If it is a question of whether I have got personal knowledge of this matter or not, then I may say that I have not; but it seems my friend has got some personal knowledge of this; he can, therefore, supplement the answer that I have given.

u Training School at Tangail.

*108. **Mr. MIRZA ABDUL HAFIZ:** (a) Is the Hon'ble Minister in charge of the Education Department aware that there are only 29 seats for the *gurus* in the Guru Training School at Tangail?

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(b) If so, what steps, if any, does he propose to take to increase the number of seats of the said school?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) There are 20 and not 22 seats in the Tangail Guru Training School.

(b) As three special training centres attached to the High Schools at Karatia, Dhanbari and Suti in the Tangail subdivision have been opened from January, 1940, there is no need to increase the seats in the Tangail Guru Training School.

Survey of agricultural lands in Kurigram subdivision, Rangpur.

***108A. Mr. JATINDRA NATH CHAKRABARTY:** Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that the survey of all culturable lands in the subdivision of Kurigram in the district of Rangpur has not been completed; and

(ii) that the survey work has been abandoned in its incomplete state?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (i) and (ii) No.

Mr. JATINDRA NATH CHAKRABARTY: Will the Hon'ble Minister please state at what stage the work stands at present?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The work has been completed.

Supplementary Statement of Expenditure.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to present the Supplementary Statement of Expenditure for the year 1939-40.

GOVERNMENT BILLS.

The Bengal Jute Regulation Bill, 1939.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation Bill, 1939, as reported by the Select Committee be taken into consideration.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I rise to say a few words on this motion more with a view to offer certain constructive

suggestions rather than to repeat the line of argument that I stated here on the 19th December last when our honourable friend sought to withdraw the Jute Regulation Bill in the last session of the Assembly.

Mr. SPEAKER: Dr. Sanyal, I think it would be better if I were to ascertain whether the amendments down on the paper are going to be moved.

Dr. NALINAKSHA SANYAL: In that case, Sir, I would have no chance at all, for I know, Sir, that they may not be moved.

Mr. SPEAKER: All right, I will give you a chance.

May I know if Dr. Suresh Chandra Banerjee, Mr. Dhirendra Nath Datta, and Mr. Premhari Barma desire to move their amendments?

Dr. SURESH CHANDRA BANERJEE: No, Sir, I do not move.

Mr. DHIRENDRA NATH DATTA: I too, Sir, do not move.

Mr. PREMHARI BARMA: But, Sir, I would like to move my amendment.

Mr. SPEAKER: All right. Is Maulvi Abu Hossain Sarker going to move his amendment?

Mr. ABU HOSSAIN SARKER: Yes, Sir.

Mr. SPEAKER: I may say that your amendment is not in order.

Maulvi ABU HOSSAIN SARKER: But, Sir, a part of it may be in order. I am quite prepared to move it as a simple recommittal motion without going into detail.

Mr. SPEAKER: Dr Sanyal will do that.

Mr. NIKUNJA BEHARI MAITI: I too do not want to move my amendment.

Mr. RASIK LAL BISWAS: On a point of order, Sir, সভাপতি মহাশয়, আমরা গত তারিখে Jute Enquiry Committee র রিপোর্ট পেয়েছি, আজ দেখছি শুধু 1st volume এর Report উঠছে না, কাজেই আমরা যে সুবিধা Report থেকে পেতে চাইছি সেটা আমরা আজকে এ বিল গ্রহণ কোরলে পাবো না।

Mr. SPEAKER: Dr. Sanyal is conveniently doing that.

Dr. NALINAKSHA SANYAL: Sir, I appreciate the difficulties of some of our honourable friends and we would feel very grateful if an opportunity could be given to certain members to make a more thorough study of the Bill. But apart from that, I would like to place certain observations in connection with this Bill,—a Bill of a very far-reaching character, which is going to change the economic life of our province to a very substantial extent. The primary object of the Bill is to secure to the grower a fair and steady price for his produce. The method thought of in securing this is the regulation of the crop and in order to regulate the crop the enumeration of jute land has had to be provided for. Government seeks to take power for such regulation as well as for such enumeration. That is the sum and substance of the Bill. I am afraid that the object of the Bill is not likely to be secured by this particular method. On the last occasion I threw certain doubts about the *bona fides* of the measure, because I was quite definite about the possible failure of the object being attained through the measure contemplated. I will not repeat those observations any more. There may be some members who might like to seek more light on some of those observations, and if an opportunity is given to discuss the Jute Regulation Ordinance, that might be a fitting occasion to ventilate the grievances about the manner in which the Ministry has sought to interfere with the jute markets, and has thereby influenced a change in the prices in the *fatka* market in Calcutta as well as in the raw jute markets in the mufassil. To-day, Sir, I want the Hon'ble Minister to consider very carefully one aspect of the question. Here in this Bill an attempt is being made to ask the jute-growers to restrict their crop according to the particular direction that the Government would from time to time seek to give. On the contrary, there is no provision anywhere made, nor is there any indication that Government contemplate such a provision in any other Bill, to regulate the demand for jute. After all, the price of jute must be dependent on its supply on the one hand and the demand on the other. The supply only is being sought to be regulated. But where is the attempt by Government to regulate the demand, or the guarantee at least to see that those who are in the position of monopolists at the present moment such as the Jute Mills Association members and others who are associated with them, might not use their power of monopoly to force down prices in spite of regulation in the supply of jute on the part of the growers?

In the case of sugarcane, many friends know that sugarcane prices have been controlled in our adjoining provinces and the growers have been ensured better prices for their sugarcane. An essential feature of that measure, through the Sugar Control Act in Bihar as well as in the United Provinces, is that the factory using sugarcane is also controlled, and the factory has got to take out a licence in order to enable it to work in the province. One condition of the licence is

that the factory owners have got to offer a particular minimum price for the sugarcane allocated to that particular factory in their area, and if there is evidence that the power, the monopolistic power, of purchase is being abused, Government retain power to cancel the licence, so that they may make the factory owners purchase sugarcane in those areas at the price which Government determine.

In this province on the contrary Government do not propose to give any direction to the jute mill owners or to the exporting houses or to the balers, and, under such circumstances, I ask my friends of the Coalition Party to very seriously consider how they can possibly ensure better price for the cultivators if the purchaser is absolutely left free to dictate his own price? Unless simultaneously a Bill is brought before the House to control the mills and the balers, you cannot ensure any better price. That is my humble submission. (Maulvi ABDUL WAHAB KHAN: By restricting cultivation.) If cultivation is sought to be regulated, the poor cultivator would naturally go with the impression that he is going to have a better price. But there is neither the opportunity to hold the stock nor any marketing arrangement provided for in this Bill for regulated markets, as we have been all hearing for some time past. Nor is there any arrangement for warehousing, or for financing the large quantity of jute that the jute-growers will have to deliver, immediately or in a few weeks after the crop is harvested. How can better prices be ensured under such circumstances? Where will the jute-growers go if the mill-owners and balers decide upon a gentleman's agreement as they did some time back that they do not offer more than a certain price? Where will all these jute-growers sell their jute? May I ask the Hon'ble Minister to examine this aspect of the question and give a complete picture of how he proposes to raise the price of jute merely by regulating the area under cultivation? I admit, for argument's sake, for the time being, that Government are capable of reducing or regulating the production which also is very doubtful, but I do not admit that the price will be raised thereby. I submit, Sir, that this Bill will not achieve its object. On the contrary, it will bring untold misery and hardship because of the attendant quarrel in every village and amongst the rural population. There will be practically a revolutionary condition brought about, because of the operation of this piece of legislation. Before such dangerous forces are let loose, is it not the duty of Government to examine very carefully in a small conference of persons belonging to different sections of the House to see how this rise in the price of jute can really be ensured? Nothing would be lost by postponing the discussion of this Bill for two or three days, because I assure the Hon'ble Minister from this side of the House that we are as much anxious if not more anxious to secure a better price for jute for the cultivators as our friends on the Coalition side may be. There

is absolutely no difference of opinion on the question of principle. Let us work out the details and find out the process which will bring about the expected result, a result which we all desire, except perhaps a few merchants who come from a different country, who go about talking in season and out of season about the abolition of the *fatka* market which will enable them to have a monopoly, and for the elimination of any new demand which may give trouble to the factory owners in their own monopolistic control. So, I humbly request the Hon'ble Minister in charge to wait for three or four days. He has already got the Ordinance. He has got power at the present moment to carry on the regulation which he desires for the year 1940. Let him meet us in the spirit of a really united approach, and we on this side assure him that we will be perfectly prepared to explore all possibilities of creating such a piece of legislation as will admittedly ensure a better price for jute. With these observations, Sir, I hope that the Hon'ble Minister will see his way to postpone the discussion for two or three days only.

Babu PREMHARI BARMA: Sir, I beg to move that the Bill be referred to a Select Committee consisting of the members who formed the Select Committee with instructions to submit their report by the 31st March, 1940, and that the quorum of the Select Committee be fixed at four, with instruction to the Select Committee to make some provisions in the Bill regarding the lands where jute is grown but in some particular year jute is not grown and to make provision for reduction of jute lands of those who cultivate jute much in excess of the average.

Sir, the Bill provides that a record should be made of lands in which jute was grown in a particular year, but it is common knowledge that jute is not cultivated by the growers on the same plots of land every year. Different plots are generally chosen by cultivators for the growing of jute in different years. Hence it would be very dangerous if the land in which jute was grown in any particular year were to be made the basis for a record of jute lands. It is necessary that a provision should be made for a record of all lands in which jute is generally grown. There should also be a provision in the Bill by which those who cultivate jute in excess of the average must be asked to reduce their acreage by a certain percentage. Hence I move that Bill be again referred to a Select Committee with the instruction that it should make a provision in the Bill by which a record of all lands in which jute is grown is to be made, and that the record should not consist of lands in which jute was only grown on any particular year. For example, the present record of jute lands is being made on the basis of 1939, but practically there was no jute crop, specially in North Bengal in 1939. Hence, there have been thousands of complaints from different parts of Bengal that jute lands have not been

correctly recorded. So, it is necessary that a comprehensive bill should be brought in with a view to regulating all the lands in which jute is generally grown. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. ABU HOSSAIN SARKAR: Sir, I beg to support the motion of Mr. Premhari Barma. I have given some of the reasons why I am opposed to mere regulation of jute cultivation in last session when I opposed the same Bill Now, Sir, I beg to add some additional reasons in support of this motion. Firstly, the regulation of production of any commodity when it brings economic value is against all established principles. Secondly, in this war time there is every likelihood of increase of demand for jute. Not only so, if war continues and other neutral powers are involved a great danger may overtake Europe due to shortage of jute, for jute is being extensively used as defensive material in the form of sand bags. The Ordinance recently promulgated prescribes 1939 quota but in that year due to natural calamities only 95 lakhs of bales were produced and the maximum normal consumption was 123 lakhs of bales in 1936. Besides the acreage found in 1939 is not the acreage that was sown actually as one-third the areas sown was destroyed by flood. So, it will be dangerous to restrict according to 1939 quota.

Another aspect of the thing should be considered very seriously. The Government is going to restrict the jute cultivation and is prescribing penalty for non-compliance on the basis of this year's jute survey. But I submit that the data obtained are totally untrustworthy. Firstly, panic prevailed in the mufassil and rumours were afloat for which accurate information as to area and outturn were not supplied by cultivators Then again the time being very short at the disposal of the field workers and most of them being new recruits in the work in majority of cases they could not perform their duty honestly and accurately.

Secondly, near about one-third of the area in Brahmaputra Valley was sown with jute before the Ordinance, which is going to be legalised by this Bill, was known to the mufassil, where early crop is gathered in the month of *Jaistha*. So, to base any penal legislation on this inaccurate statistics is highly improper, and untimely putting into operation any such law will victimise innocent cultivators. Another ground on which I take my stand in support of the contention is supplied by the Report of the Central Jute Enquiry Committee. It is of opinion that however careful you may be in your figure one year's work cannot give you correct figure. At page 29, the Central Jute Enquiry Report, 1938-39, says—"To work out the technique and build up the organisation necessary an extended series of experiment would be necessary, possibly for four years and finishing with a complete

provincial survey in the fifth year." In the recent Jute Enquiry Committee Report also the efficacy of regulation of acreage is doubted. At page 34 of the Jute Enquiry Committee Report just published a line is to be found where it says—"We are aware of the common objection that regulation of acreage may not ensure the regulation of output." Another thing also the Government should take into consideration is the strong view expressed against jute regulation on behalf of the European Group by Mr. Walker and Mr. Sassoon during the general discussion of the budget very recently.

The other ground on which I oppose the motion of the Hon'ble Minister is that nobody wanted mere regulation of jute. Most of the jute experts are of opinion that other factors relating to jute should also be simultaneously handled, such as, fixing the minimum price, abolition of *Fatka* market, etc. Some good reasons are supplied by the report of the Jute Enquiry Committee itself to show that mere regulation would not improve matters. At page 71 of the report it is stated—"We have shown that for improving the price of raw jute, simultaneous provision for the following measures are necessary:—

(1) Compulsory regulation of the production of jute crop;

(2) Removal of the imperfections of the jute market; and

(3) Establishment of a suitable marketing organisation.

While recommending those measures we were convinced that no real improvement of the price of jute could be assured unless such a marketing organisation could be set up as would enable the jute-grower to hold on his crop to be sold at a proper time at a higher price. For that purpose we recommended the acceptance of any of the two schemes described in Chapter VI, as Government would find suitable, so that the jute-grower may at the time when he is required to sell his jute may, instead of selling, store it in a licensed warehouse and get an advance against the receipt that he will obtain for his stock stored as aforesaid. Now, for inducing a financier to advance money against that receipt, it is necessary that a minimum price for every grade of jute must be fixed either directly by Government or by a statutory body before the month of July when the jute-year begins. Apart from the necessity for fixing the prices of jute as stated above, we feel that in view of the unique bearing which this single crop has on the entire economic structure of the province the policy of pricing the jute should be controlled by the State instead of by the ultimate consumers." Again at page 73 of the report it says—

"In view of the above facts we are strongly of opinion that the price-policy regarding jute should be controlled by the State, if the best value for the crop is seriously desired to be assured to the jute-growers. We are in favour of the fixation of the minimum prices for the different grades of jute to start with before the commencement of

every jute-year which begins from the month of July. Sir Adamjee Haji Dawood, a big Indian jute mill-owner, while examined by us, supported statutory fixation of the prices of jute and observed that the jute industry could easily stand a minimum price of Rs. 8 per maund for the bottom quality."

The importance of fixing minimum price and the establishment of warehouses and regulated market with regulation of crop is stressed very much by the Jute Enquiry Committee in the majority report as has been quoted above.

Then again, some of the jute experts are of opinion that the *fatka* market is not conducive to the fetching of proper price to the cultivators of jute. I cannot do better than quote a part of the speech of Mr. Macdonald as I feel he is now one of the best authorities in Bengal, with regard to jute trade. That gentleman in comparing the baler's position with that of the *fatka* speculator said—

"In the course of the season the latter may buy or sell many lakhs of bales which in fact he never sees, and their existence or otherwise is immaterial to him because the majority of transactions in this market is merely on paper and usually settled on margins.

"The attendant work, worry and responsibility of loose jute purchase, standardising, freight arrangements and eventual delivery to the consumer are unknown to the operators in the futures market. Yet it is a noteworthy feature that the *fatka* operator, who has no stake in the actual handling of the crop, practically rules the trade; he it is who has the power to manipulate the market with no consideration whatsoever for any other interest than his own. A steady, controlled market is a necessary desideratum to any industry but the speculator lives on fluctuations and the wider these can be made the more his methods flourish.

"Before the *fatka* became the predominating influence that it has been in the past fifteen years, it was possible for balers to conduct their business with some degree of confidence on the basis of carefully collected information concerning stocks, supplies, consumption, etc. Since that time, rational views, consistent with the law of supply and demand, have been frustrated by powerfully organised market manipulations by speculators, many of whom are entirely unconnected with the jute trade.

"One of the arguments advanced in favour of the *fatka* market is that it is necessary for 'hedging' purposes. A careful analysis of its activities over long periods reveals that its influence on the actual export market has been such that very frequently the latter market has been fixed down to levels considerably below actual bailing cost——

The Hon'ble Mr. TAMIZUDDIN KHAN: On a point of order. The honourable member is reading out the speech that he prepared in connection with his own motion which was not allowed and he is making an elaborate statement about the condition of the *fatka* market.

Mr. SPEAKER: I am afraid, Mr. Sarkar, you cannot discuss anything which is not the subject-matter of this Bill.

Mr. ABU HOSSAIN SARKAR: My submission, Sir, is that I oppose the jute regulation and I give my reasons for opposing it.

Mr. SPEAKER: I know all that can be made relevant in your speech.

Rai HARENDRA NATH CHAUDHURI: He is giving further reasons.

Mr. SPEAKER: Yes, I know that, but the whole point is as to how he does it. Surely he cannot go into details and cannot go *ad infinitum*.

Mr. ABU HOSSAIN SARKAR: This speech, Sir, is very interesting and I hope you will excuse me if I quote a few lines out of it

Mr. SPEAKER: I am afraid I cannot allow you to read that interesting speech. You can speak about relevant things.

Mr. ABU HOSSAIN SARKAR: I am sorry, Sir, that nowhere Government showed so much indecision in their career, than in the matter of dealing with jute problem. Government accepted the principle of raising the price of jute in the month of March, 1937, that is, before this Cabinet was formed. Government formulated a programme of work and in that programme we find item No. 8 where Government says that they will control price of jute through limitation of production, marketing boards and other suitable measures. This programme they did not carry into effect and they sat tight over the matter. I, on behalf of my party, submitted a comprehensive jute Bill. That Bill came up for discussion in the Budget Session last year, but unfortunately without giving it any thought Government overthrew it. But immediately after that sense dawned on the Government and they enacted two ordinances fixing the price of *fatka* markets. That was also not liked by many people in the country.

Mr. SPEAKER: Mr. Sarkar, I am looking forward to a day when you will be a good parliamentary debater and in order that I may help you in that, may I suggest that you try to confine yourself to the

point at issue. For example, when Dr. Sanyal spoke he spoke only on the point as to why this Bill should or should not be taken into consideration and what should be the attitude of his party. It is perfectly relevant but surely it is no use delivering a speech for 15 minutes on *fatka* and control of prices. I hope you will try to confine yourself to the issue. The issue is as to why you do not want this Bill to be taken into consideration by this House.

Mr. ABU HOSSAIN SARKAR: Yes, Sir, I am trying to be relevant. I am myself a lawyer and I hope you will concede that much.

Mr. SPEAKER: But I am afraid you are not developing on sound lines.

Mr. ABU HOSSAIN SARKAR: Now, after the promulgation of the first Ordinance Government brought in a Bill which was opposed by us. Government at that time said that we practised dilatory methods. But unfortunately Government immediately withdrew the Bill. Then again they enacted another Ordinance and then they brought in the present Bill

(At this stage the member reached the time-limit and resumed his seat.)

Mr. SIBNATH BANERJEE: Mr. Speaker, I beg to move that——

Mr. SPEAKER: Mr Banerjee, your motion has not been admitted. Can you tell me how your motion is relevant?

Mr. SIBNATH BANERJEE: Sir, these are the three important things that have to be done if we want to get the maximum benefit out of the jute regulation. Therefore unless these three provisions are included the Bill will become worthless

Mr. SPEAKER: I have my fullest sympathy with you but unfortunately you have brought in two matters, namely, fixing of minimum price and abolition of *fatka* market.

Mr. SIBNATH BANERJEE: I have specially advocated nationalisation of jute mills.

Mr. SPEAKER: I think you had better leave it for the third reading. That is no reason why you should throw away the whole motion.

Mr. SIBNATH BANERJEE: Then I would like to support the motion of Mr. Berma. While supporting the motion let it not be understood that we are following a dilatory method. We want the Bill to be passed but at the same time we cannot but record our protest in the way Government is going about with its jute policy. Last session when this Bill was brought before the House we did not like it. We wanted other provisions to be incorporated in the Bill and as a matter of fact in the notes of dissent in the Select Committee we made the position absolutely clear. This is what we said: "We therefore urge upon Government to follow up this Bill with another comprehensive Bill, taking into consideration the report and recommendations of the Bengal Jute Enquiry Committee recently published. In that Bill, the fixing of minimum price, establishment of regulated markets with warehouses and central selling organisation of jute, abolition of *fatka* market and other provisions should be specifically incorporated". That is what we said and at that time Government showed its eagerness to pass this Bill and we, Sir, all liked to go ahead. Let this provision be taken up in a later Bill but Government thought it fit to withdraw that Bill but after two months Government comes with exactly the same Bill with no change whatsoever. During these two months Government knew the attitude of this side of the House and also the report of the Jute Enquiry Committee. Still no steps have been taken to incorporate any portion either of the report or of the Select Committee recommendations in this Bill.

Mr. Speaker, Sir, as it was pointed out by my esteemed friend, Mr. Abdur Rahman Siddiqi, these are the golden fibres of Bengal and although he pointedly drew the attention of the Hon'ble the Finance Minister, the latter had nothing to say in his concluding speech though he had something to say about almost everything relevant or irrelevant. But on this point he kept absolutely silent and Mr. Abdur Rahman Siddiqi made a very appealing speech so that something could be done by this Government. But no assurance whatsoever came from the Hon'ble the Finance Minister. In the Jute Enquiry Committee Report referred to there are certain recommendations which I would like to place before the House, especially because of the war conditions. There are recommendations that no nationalisation at this very stage but rationalisation at least must be attempted. I shall read a small portion of it: "As I have remarked already, the war has radically altered the whole situation. The present time is the most opportune for making any attempts for nationalising the jute industry from field to factory and factory to the consumer. We can even take the risk to hold experiments. For nationalising the industry also this is an ideal opportunity but for immediate tasks of this Committee, I shall speak only of national planning and national

control of the industry and not of immediate nationalisation of the entire industry. The huge orders of the sand bags are already keeping the mills working 33 per cent. more hours than before. The price of raw jute has risen considerably". Sir, it was in October that this report was signed, and since then the price of jute has risen much further. There it was pointed out that during the war period all looms of foreign countries, e.g., Germany, Czechoslovakia, Poland and Austria are idle, because they cannot get any jute unless the balers of this country and of foreign countries would export jute. Therefore, nearly 33 per cent. of the foreign looms are perforce idle. Of the remaining 33 per cent. they are also in a very bad condition. I shall quote from "The Statesman" of the 15th October a passage showing the condition of Europe——

Mr. SPEAKER: That is not relevant

Mr. SIBNATH BANERJEE: All right, Sir. It is said in that paper and there are also innumerable reports to show that the workers of Dundee have either been conscripted in the army or they have been taken away in other war industries, and that there was actually a shortage of expert workers and on account of want of workers they cannot work overtime, i.e., by night shifts That being the condition in England, we can easily understand what is the condition of France or Italy, because there the number of trained workers are certainly much less. Therefore, in all the countries outside India the looms cannot work properly either for want of jute or for want of workers. Therefore, the Indian Jute Mill Association or the jute mills in this country——

Mr. SPEAKER: I am afraid, Mr. Banerjee, I cannot permit you to speak on that. It is wholly irrelevant. The only point is why you do not want this Bill to be passed.

Mr. SIBNATH BANERJEE: Sir, I was just showing in what an advantageous position the jute mill industries are to-day and if Government is bold enough to take steps they can get a few crores of rupees easily from this industry, and all the difficulties, financial and otherwise, would be overcome. At the same time the peasants would be getting very high prices. Whether regulation or no regulation, that can be achieved, and therefore when the most important thing is not done and a very unimportant thing as regulation is attempted, I think that would be putting the cart before the horse, to put it very mildly. Therefore, we say that this Bill, as it is, if it is passed, will be worse than useless.

With these remarks, Sir, I suggest that Government should either assure us that another Bill will be forthcoming incorporating the other provisions recommended by the Jute Enquiry Committee. Otherwise the Bill, as it stands to-day, will be of very little use to the peasants.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir,——

Mr. SPEAKER: Mr. Biswas, you may speak after the prayer adjournment.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Maulvi ABDUL WAHED: মিঃ স্পীকার, আমাদের প্রেয়ারের জন্য পনর মিনিট টাইম অত্যন্ত কম। আমাদের আরো পাঁচ মিনিট সময়ের বিশেষ দরকার।

Mr. SPEAKER: Order, order. Yes, Mr. Biswas.

(Mr. Surendra Nath Biswas rose to speak.)

Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I, Sir, with your permission, present the report of the Select Committee on the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill, 1940?

Mr. SPEAKER: Yes.

The Bengal Jute Regulation Bill, 1939.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, at the start I should say that Government should not understand that we, the members on this side of the House, are opposed to regulation of the production of jute. What we want to say is this that mere regulation of the production of jute will not ensure better prices that this Bill aims to give to the jute-growers.

Sir, in addition to the arguments placed by my honourable friends on this side, I want to draw the attention of the Hon'ble Minister to the fact that in 1938 when the production of raw jute fell by about 33 per cent. short of the normal demand of the year, the prices which the jute-growers received were absolutely uneconomical. This fact conclusively proves that for want of the holding power on the part of the jute-growers no jute-grower can be expected to get a fair price for his

jute. That is the point which my friends want to press upon the Government. We the majority of the members of the Jute Enquiry Committee have recommended that along with the regulation of the production of jute, simultaneous provisions should be made for marketing the jute and for the standardization of grades as well as for fixing the minimum price of the different grades thereof. I realise that the scope of this Bill does not permit the inclusion of these provisions. In that case, we shall not oppose the passing of this Bill, but we should raise our voice of protest against this piecemeal legislation saying that Government must bring other measures which are necessary as we have already said to ensure a better price for jute before the next jute season commences. I am afraid the outlook of Government is quite different from the outlook that we have expressed in the Jute Enquiry Committee's Report. My reasons for saying this are that the Government has brought another Bill which is called the Agricultural Produces Marketing Bill. In that Bill we expected that jute being an agricultural produce Government probably was going to provide for proper marketing of jute but at the provisions of that Bill, Sir, we have been disappointed. I do not find in that Bill any provision which provides for a proper marketing of the jute crop. Hence, Sir, I am in doubt whether Government will bring any measure as we have recommended in the report before the next jute season commences. I appeal to the Government as well as to the members of the Coalition Party to give it their due consideration that mere regulation of production will not ensure a better price, but other provisions must be taken up simultaneously and before the next jute season commences.

With these few words, Sir, I shall conclude my speech and say that we shall not oppose the consideration of this Bill.

Mr. I. C. KENNEDY: Mr. Speaker, Sir, the party to which I belong is not in favour of referring this Bill back to the Select Committee, and we think that it should now proceed to the stage of consideration on the floor of the House. We have taken this decision in the full knowledge that there are provisions in the Bill which we should like to see amended—and we have tabled amendments on these points. We have also taken into consideration the notice of Government's intention, to provide for restriction of this year's crop, which we, in common with other members of the House have received. We consider that the arguments against this particular proposal are overwhelming and must affect the House's consideration of the measure in its general bearings. We are aware, Sir, of the dangers of allowing the unrestricted sowing of jute, particularly at the present time when high prices are likely to encourage it, but, at the same time we feel that Government are wrong in proceeding immediately with a restrictive policy which has not received the fullest degree of consideration.

We have been told that, in their opinion, a jute crop equivalent in yield to that of the present season's will be sufficient for world needs during the period July 1940 to June 1941, and it would be interesting to learn from the Hon'ble Minister upon what grounds this assumption is based, for we presume that it is based on actual statistical data, and that due allowance has been made for possible increase in demand in these abnormal times, and for possible shrinkage in yield through adverse weather conditions. The latter factor is a most important one as honourable members are well aware.

We should also like to know, Sir, if the survey of jute-growing lands which has recently been carried out supports the Government's contention that the acreage of the present season is ample to meet full world demands.

Then, Sir, it would be interesting to hear what steps have been taken to enlist the co-operation of the other jute-growing provinces of India for, presumably, the Government are well aware that if such co-operation is not forthcoming regulation of the jute crop in Bengal would be both farcical and harmful. The growers in Assam, Bihar and Orissa, it must be remembered, benefited by the high prices which followed the outbreak of war to an even greater extent than did the growers of Bengal, because their harvesting time is later, and so, they have a very strong incentive to increase sowings. The declared policy of regulation in this province will encourage them further to redouble their efforts in this direction.

What then, Sir, will be the position of the jute-growers of Bengal? The increased supplies of jute in the unregulated provinces will act as a drag on the prices here, and the main object of regulation will be defeated. There is another aspect of this situation to which I should like to draw Government's attention, namely, the effect which increased yields in the other jute-growing provinces will have upon Bengal's share of the jute export tax. This, as honourable members are aware, is divided among the jute-producing provinces in the proportion which their individual yields bear to the total output of jute in India. It will not profit Bengal to encourage other provinces to grow more jute. Although, therefore, we are opposed to recommittal, we in this party would urge Government to reconsider their decision to regulate the crop of 1940-41. I have tried to point out the dangers of restricting the jute crop of this province at the present time. Let Government proceed with the collection and careful checking of the information which will enable them in the future to regulate the crop with safety. Let them also secure the co-operation of the other provinces. Let them finally await times when economic trends can be more easily predicted.

Mr. NISHITHA NATH KUNDU: Sir, I rise to support the motion moved by Mr. Premhari Barma and oppose the consideration of the Bill, for there are many important matters which have been left out of consideration in the Bill. The Hon'ble Minister has given notice of a new section, namely, 5A——

Mr. SPEAKER: You may discuss this at the proper stage, because it is not certain whether the Hon'ble Minister will actually move it or not.

Mr. NISHITHA NATH KUNDU: That is one of the reasons, Sir, why I oppose the consideration of the Bill.

Mr. SPEAKER: You had better leave that out now. I will give you an opportunity to do so later. You can now speak on other matters.

Mr. NISHITHA NATH KUNDU: Now, Sir, from a scrutiny of the Statement of Objects and Reasons we find that the object of introducing this Bill is to secure for the tenants a fair and reasonable price. From our experience, we know that for the last two or three years there have been complete failures of jute crops in the entire province. In spite of this natural reduction in acreage it has not been possible for the tenants to secure any fair price. So, our belief that regulation only cannot fetch a fair and reasonable price is strengthened by this fact, but what is important is to fix a fair and minimum price because something else other than the question of supply and demand, counts. We have found, that even when there was a reduction in the acreage there was some artificial control which kept down the price of jute. Now, Sir, we have seen that Government in introducing a Bill very much depend on the report of the Enquiry Committee, if any Enquiry Committee has been formed to consider the matter. For example, I may cite this that Government are not taking up any legislation for regulating the status and rights of non-agricultural tenants of Bengal. But they are introducing a temporary provision in the Bill only on the ground that there is no report before the Government of any Enquiry Committee which they have formed. But here Government are showing a different attitude altogether. Though there is a report of the Jute Committee before the Government, Government are not caring to look into it with a view to give effect to its recommendations in the Bill here and now. Then, Sir, we believe due to the war which has broken out in Europe even if there be no regulation of jute, we can expect that it will fetch a better price for the growers of jute. So I do not find any necessity for hurrying this Bill through this Assembly. The basis on which the Bill will operate is jute land registration work that was taken up by the Government very recently. Our experience

is t[illegible] of proper time there has been no proper recording of jute lands and there are areas in the province specially in my district, Dinajpur, the recorder could not visit and get the actual acreage under jute. Then there are other areas where the recorder could not properly record the area under jute cultivation for various reasons. So, I think that it will be a great injustice done to the tenants if this Bill is hurried through the Assembly. They will unnecessarily be put to harassment and loss, though we say in the Statement of Objects and Reasons that we are enacting this legislation for the welfare of the tenants and for securing a fair price for their jute which, I believe, this piece of legislation will not certainly achieve. With these words, Sir, I support the motion of my friend Mr. Premhari Barma.

Srijut NARENDRA NATH DAS GUPTA: সভাপতি মহাশয়, এই যে সংশোধনী প্রস্তাব উপস্থিত হোয়েছে তার সমর্থনকল্পে আমি মাত্র দুটী কথা বোলতে চাই, সেদিন এই পরিষদের য়ুরোপীয়ান কমিউনিটির লিডার মিঃ ওয়াকার বাজেট বক্তৃতাতে তাঁর মনের কথা বোলে দিয়েছেন। সেটা হোচ্চে এই যে যদি পাটের দাম বেঁধে দেওয়া যায় সেটা মস্ত বড় uneconomic ব্যাপার হবে। এবং সেটা uneconomic কাদের জন্য হবে—বুঝতে আমাদের কষ্ট হয় না। য়ুরোপীয়ান কমিউনিটি থেকে যখন এই কথাটা উঠেছে স্বভাবতঃই লোকের মনে হয়—শকুন কাঁদে গোরুর শোকে। যারা চাষী প্রজাদের সর্ব্বনাশ কোরে এক শতাব্দীর অধিক কাল ধোরে ধনবান হোয়ে সমৃদ্ধ হোয়ে বাংলার বুকে বিরাজ কোরছে তারাই বোলছে এটা হবে সব চেয়ে uneconomic! আর য়ুরোপীয়ানরা যখন uneconomic মনে কোরছেন তখন গভর্ণমেন্ট একাজে হাত দিতে পারেন না। এখন আমাদের কি জিজ্ঞাসা করা উচিত নয় যে চাষীরা যাতে jute restriction এর regulation দ্বারা লাভবান হোতে পারে এইজন্যই বিলটা এসেছে না তারা শুধু Record করাবে যে কার কতখানি জমি আছে শুধু এইজন্য? প্রতি বছর লাইসেন্স ফি দিতে হবে—এই রকম একটা ধারা নিয়ে এই আইনটা আসবে—এ রকম পরিকল্পনা আমাদের আদৌ ছিলো না। যদি চাষীদের মঙ্গল কোরতে হয়, তাহলে একথা সত্য যে jute restriction এর প্রয়োজন আছে। কিন্তু সঙ্গে সঙ্গে দামটাও বেঁধে দিয়ে যাতে কৃষকদের ঘরে টাকাটা আসবে সে provision টাও থাকা নিতান্ত দরকার। যারা চিরকাল প্রভূত লাভ কোরে আসছে তাদের সে সুবিধা সে বিবেচনার কোন প্রয়োজন আছে বোলে আমি মনে করি না।

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব! আমার বন্ধু মিঃ প্রেমহরি বর্ম্মন যে সংশোধন প্রস্তাব উপস্থিত কোরেছেন তার সম্বন্ধে আমি দুটী কথা বোলতে চাই। এই যে অল্প দিন হোলো পাটের জমি লেখানো হয়েছে এই লেখানোর ব্যাপারে অনেক গোলমাল হোয়ে গেছে। জমিতে যে সময় পাট বর্ত্তমান থাকে শুধু সেই সময় রেকর্ড করানো হোলেই পাটের জমির নিকাশ ঠিক মত হবে। নতুবা অসুবিধা হোচ্চে এই যে পাটের জমিতে চাষীরা পাট কেটে ধান করে অন্যান্য ফসলও করে, সে সব ক্ষেত্রে অনেক জমি লেখা পড়ে না। কারণ ক্ষেতে পাটগাছের মুড়া না দেখে লেখকরা লিখে না। তাছাড়া পাটের জমির উপর ট্যাক্স বোসবে এই আশঙ্কায় অনেক চাষী ইচ্ছা কোরেও জমি কম লিখিয়েছে। (A MEMBER FROM THE COALITION PARTY: আপনারা ছিলেন কেন?) যদি বাস্তবিক চাষীদের উপকারের জন্যই এ আইন করা প্রয়োজন হোয়ে থাকে, তাহলে গভর্ণমেন্টের উচিত সকল দিক বিশেষ ভাবে চিন্তা কোরে, বিবেচনা কোরে তারপর এ আইন করা। আর এই বাংলাদেশের চাষীদের পক্ষে বিদেশ থেকে টাকা আনার একমাত্র জিনিষ হোচ্চে পাট। এই পাটের টাকা দ্বারাই সে জমিদারের খাজনা ও মহাজনের ঋণ আদায় করে এবং সংসারযাত্রা নির্ব্বাহের যাবতীয় জিনিষ খরিদ করে। এই পাটের জমি লেখবার যে ব্যবস্থা করা হয়েছে এবং পাটের চাষের জন্য যে আইন গভর্ণমেন্ট কোরতে যাচ্ছেন এবং আইনের ভিতর অর্ডিন্যান্স জারি করা হয়েছে তার মধ্যে বেশী জমিতে পাট বপন করলে,

জেলে যেতে হবে, জরিমানা দিতে হবে এইরূপ ব্যবস্থা করা হয়েছে, কাজেই এই আইনটা যদি ভাল রকম জেনে শুনে বিশেষ কোরে বিবেচনা কোরে না করা হয় তাহলে সারা বাংলার চাষীদের ভিতর একটা আইন অমান্যের উত্তেজনা ও বিপ্লব সৃষ্টি এই গভর্ণমেণ্ট কোরতে যাচ্ছেন। কাজেই আমার অনুরোধ —আইনটা তাড়াহুড়ো কোরে না কোরে বিশেষ কোরে বিবেচনা ও আলোচনার পর পাশ করা উচিত। আমি পূর্ব্বেই বোলেছি নানা কারণে পাট চাষের নির্দ্দিষ্ট জমি লেখান ব্যাপারে অনেক অসুবিধা আছে। যাঁরা লিখতে গিয়েছিলেন—আমরা পাড়াগাঁয়ের লোক আমরা জানি—তারাও অনেক সময় নানা অসুবিধার সৃষ্টি কোরেছেন। অনেকে লেখাতে পারে নাই—কারণ তাদের জমি বর্ষায় নষ্ট হোয়ে গিয়েছিলো তারা জমিতে পাট বুনেছিল কিন্তু বর্ষায় নষ্ট হওয়াতে ক্ষেতে গাছের মুড়া পায় নাই কাজেই লেখকরা লিখেন নাই। অনেকে খবরও পায় নাই এসব নিয়ে দেশের ভিতর আন্দোলন আরম্ভ হোচ্ছে, এই সব বিবেচনা কোরে যাতে গরীব চাষীরা, ঋণগ্রস্ত চাষীরা, পাটের টাকা পেতে পারে, পেয়ে খাজনা ও ঋণ দিয়ে বাস্তুভিটায় থাকতে পারে সেই ব্যবস্থাটাই করা কর্ত্তব্য।

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not like to take a long time in giving reply to the various points raised by my honourable friends on the floor of this House, because I am anxious to finish this Bill as early as possible.

Dr. Sanyal initiated the debate on this Bill and in doing so, he said that he would be willing to extend his hand of co-operation to the Government and that Government should stay its hands and try to launch upon a more comprehensive plan on the entire question of jute. Sir, I am thankful to my honourable friend for his kind offer, but I would like the House to consider whether it is possible to evolve a comprehensive plan, as my friend contemplates, within the space of two or three or four days. That is an impossible and impracticable proposition. What are these propositions? He said that we should find out how jute mills should be controlled, how warehouse facilities should be given, and so on and so forth. It is impossible to think that all these important questions can be decided upon within the space of two or three days. We cannot wait even for a single day and I would make this point quite clear before this House.

First of all the House knows that an Ordinance has already been promulgated for the regulation of the crop of this year. But the Ordinance under the Government of India Act will expire on or about the 27th March next, that is on the expiry of six weeks after the commencement of the current session of the Legislature. Therefore, unless the Ordinance is replaced by a regular law within that time, the entire provisions of the Ordinance will be infructuous and nugatory and the whole policy of Government as to the regulation of the crop of the current year will be bound to end in failure. That is reason No. 1 why we cannot wait.

There is another reason which perhaps many of the honourable members have not appreciated. That is this. This Bill provides for the preparation of a record of land under jute in any particular year and also for the regulation of the cultivation of jute. Now, so far as

the current year is concerned, exception has been taken to the record that we have prepared on the ground that it has not been as accurate as one would desire. I admit, Sir, that it could not be as accurate as one would desire on account of the simple fact that the record had to be prepared at a time when there was no jute on the land. Therefore, mistakes here and there are bound to occur. For this reason what the Government propose to do is to prepare another record in the coming season while the jute is on the land. For that purpose, there must be some law and unless this Bill is passed during the current session of the Legislature, there will be no law on the basis of which that record can be prepared. (Dr. NALINAKSHA SANYAL: In any case, it cannot be more than the last year's record.) Sir, I have already said that so far as the last year's record is concerned, it is not very accurate. Therefore, what we have to do is to get as accurate a record as possible. When the Ordinance will be over, there will be no power. (Mr. JOGESH CHANDRA GUPTA: If the crops are restricted to the lands which have been recorded rightly or wrongly last year, how can any correction be made?) I am sorry that my friends do not realise the implications of such a simple question. Simply the promulgation of an Ordinance will not do. We shall have to see how far the provisions of the Ordinance have actually been obeyed or observed by the cultivators. Therefore, a record will have to be prepared of the lands actually sown with jute. (Rai HARENDRA NATH CHAUDHURI: In which year?) In the coming year. Whenever this question of regulation will arise, in future objection will be raised that no record was prepared while the jute was on the land. Therefore, to meet that objection, it is very necessary that we should have a record when the jute is on the land. In this view of the matter, I hope, my friend, Dr. Sanyal, will not press his objection to the effect that we should not proceed immediately with the Bill and that we should wait for 3 or 4 days. That is impossible.

As regards the amendment of Mr. Premhari Barma asking for the recommittal of the Bill to the same Select Committee, I need not say much. The objects which he wants to attain by the recommittal of the Bill can very well be achieved by way of amendments to the present Bill and I think, he has tabled appropriate amendments and if the House is of the same mind as he is, I think, these amendments will be considered in his favour. He has adduced no cogent reasons why the Bill should be recommitted to the same Select Committee.

Now, Sir, many of the members have objected, as Dr. Sanyal has also objected, that the Bill is not comprehensive enough, and it does not contain many of the recommendations of the Jute Committee. I admit that, Sir. But my friends have forgotten that the report of the Jute Committee was not born when this Bill was conceived, drafted and

introduced in this House. This Bill was introduced because Government thought that unless early action was taken, a very serious situation was going to arise. Therefore, Sir, I think, honourable members will easily realise that this Bill could not possibly contain all the provisions of the Jute Committee. I should like to make it clear that Government is examining the recommendations of the Jute Committee and proper action will be taken as early as possible.

Mr. Sibnath Banerjee has objected that two months have elapsed and within this time Government might very well examine all the recommendations of the Jute Committee and new provisions might have been incorporated in the body of this Bill. Sir, that would have been an impracticable proposition. First of all, it is not possible to make a thorough examination of all the far-reaching recommendations of the Jute Committee within such a short space of time.

Dr. NALINAKSHA SANYAL: It was four months' time and examination should have been finished by that time.

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be Dr. Sanyal's view. But that is not the view of Government and that cannot be the view of any reasonable man.

Mr. Sibnath Banerjee also says why go on with such an unimportant thing as regulation of jute. If that is the view of the Opposition, I think it is in vain to argue with them when they say that regulation of jute has no value whatsoever, that it has nothing to do with the price of jute. Of course there are other things also that have to be done and Government are already considering those measures. But regulation of jute is one of the most important things that must be settled and decided upon before other measures contemplated could be given effect to.

Babu NARENDRA NARAYAN CHAKRABARTY: আপনি কি স্পষ্ট কোরে বোলতে পারেন যে এর দ্বারা দাম বেড়ে যাবে ?

The Hon'ble Mr. TAMIZUDDIN KHAN: No one can say that. Because my friend does not know the simple rule. Prices do not depend simply on reduction of production. Supposing the war ends to-morrow and there is no demand or the demand falls to a very great extent. Even I apprehend that under the present scheme of the Government, the scheme of regulation, prices are bound to fall to a very great extent. We have launched upon this regulation on the expectation that the world demand will continue as it has been during the last few months. On that calculation this decision has been arrived at. These are abnormal times and no one can possibly foresee when the war is going to end.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, আমি কয়েকটা প্রশ্ন জিজ্ঞাসা করিতে চাই।

Mr. SPEAKER: Let the Hon'ble Minister finish his speech.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am thankful to my honourable friend, Mr. Kennedy, and to his group for the support they propose to give to the present Bill in spite of the difficulties that have been pointed out by him. One important thing he has referred to and that is seeking the co-operation of the other provinces. Government has not been oblivious of this important factor and we have been in correspondence with the other jute-growing provinces for some time. But the House will easily see that so far as the other provinces are concerned they cannot under the present circumstances adopt any method of regulation as we are proposing to do in Bengal, because our regulation is based on the record that we have already prepared. The other provinces have no such basis. Therefore, it is impossible for those provinces to regulate the production of jute by compulsory means so far as the current year is concerned. All that those provinces can do is the voluntary restriction of the production of jute and we are trying to do all that is possible to induce those Governments to take that step. So far as the future is concerned, I give a good deal of importance to the fact that the co-operation of the other provinces must be secured and I hope that that co-operation will be secured. If unfortunately for any reason that co-operation cannot be secured, I think Government will have to revise their own plan, and course of action.

Then, Sir, Mr. Kennedy has also asked whether on account of the regulation policy of the Government there is any apprehension of a very great shrinkage of the acreage. So far as that is concerned, we cannot say anything definite for the time being but this much is certain that the acreage according to the figures obtained from the jute registration proceedings will not be below the acreage of the last year according to the final forecast of the Government. I rather apprehend that the acreage will be higher. My honourable friend Maulana Abdul Wahed has complained that the record is wrong because some unfortunate people could not have their lands at all recorded on account of the apathy of the recording officers and in other cases the recording is absolutely wrong. I may say, Sir, that there are others also who have done their best to make an inflated record and the result is that the acreage will not be below the acreage of the last year according to the final forecast.

Then, Sir, my honourable friend, Mr. Kennedy, has also referred to the apprehension of any shrinkage in the share of the Bengal Government in the jute export duties. That goes on with the question of

co-operation of the other provinces. I have already said what the intention of the Government is with respect to the question of co-operation of those provinces and I think that that will satisfy the honourable members of this House. Mr. Kennedy asked another question as to why the Government thinks that the same quantity of jute as Bengal grew or the jute-growing provinces grew last year will suffice for the coming year also. Sir, in this connection I would like to make an estimate as to how the statistical position of the jute trade will stand at the end of the current season, i.e., the end of June. As to the available supply of raw jute during 1939-40 exclusive of the up-country and bazaar stocks which may be presumed to remain at a constant figure for the purpose of statistical co-relation, the amount of effective supply for the year is estimated by the Indian Central Jute Committee at about 128·90 lakhs of bales comprising 21·40 lakhs of bales of mill stocks as these stood at the end of June, 1939, and an estimated out-turn of 107·5 lakhs of bales of the 1939 crop. This effective supply of 128·90 lakhs of bales will, it is estimated, be reduced by about 26 lakhs of bales on account of the export of raw jute during the year leaving a balance of 102·9 lakhs of bales for mill purchases for the current season inclusive of the amount required for replenishing their stocks. The annual consumption of mills in India during the current season is estimated even on a very liberal calculation of about 73 lakhs of bales out of which 71·25 lakhs of bales are likely to be consumed by mills reporting to the Indian Jute Mills Association. This means that even making due allowance for such an extraordinarily large consumption the mills in India will have on their hands at the end of the season stocks of so much as 29·65 lakhs of bales which is in excess of their opening stocks of the season and is equivalent to more than 4 months' consumption at 60 hours per week. A slight fall in the mill stocks at the end of June, 1940, is apprehended by various trade estimates but this is more than counter-balanced by substantial accretion to bazaar stocks which remain a potential source of supply to the mills.

I think, therefore, Sir, that there is no apprehension on that score and the honourable members of this House know that there is no likelihood of any new demand so far as the coming year is concerned. On the other hand, the very fact that the British Government have extended the time for supplying the orders for sand bags shows that as far as war purposes are concerned there is very little likelihood of any increased orders within a short time.

In this view, Sir, I do not think that there is any apprehension of the outturn of the next year falling short of the probable demand. On the other hand, if the record is not accurate, i.e., if the record is very much above the acreage of the last year, in that case there is also an

apprehension of some over-production. I think in this view there is no ground for apprehension on the part of the European Group on that score.

Sir, I would not take any more time of the House as you have reminded me that I should try to finish as early as possible. With these words, Sir, I oppose the motion for recommittal to the Select Committee.

Mr. CHARU CHANDRA ROY: সভাপতি মহাশয়, এখন ওঁর বক্তৃতা হোয়ে গেছে, আপনার অনুমতিক্রমে আমি মন্ত্রীমহাশয়কে জিজ্ঞাসা কোরছি। মাননীয় মন্ত্রীমহাশয় বোলছেন যে উনি মনে করেন হয়তো এই Jute Regulation Bill পাশ হোয়ে গেলে পাটের দাম কোমেও যেতে পারে; যদি গভর্ণমেন্টের এই রকম কোন ভয়ের কারণ থেকেই থাকে তবে এত বড় একটা জিনিষ নিয়ে ছেলেখেলা করবার উদ্দেশ্য কি?

The Hon'ble Mr. TAMIZUDDIN KHAN: If the prices of jute fall even after the passing of this measure and enforcement of this measure, that will not be on account of this Act but in spite of it and on account of other factors. I think that this is a simple question which my honourable friend should realise.

The motion of Babu Premhari Barma that the Bill be referred to a Select Committee consisting of the members who formed the Select Committee with instructions to submit their report by the 31st March, 1940, and that the quorum of the Select Committee be fixed at four, with instruction to the Select Committee to make some provisions in the Bill regarding the lands where jute is grown but in some particular year jute is not grown and to make provision for reduction of jute lands of those who cultivate jute much in excess of the average, was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Jute Regulation Bill, 1939, as reported by the Select Committee, be taken into consideration, was then put and agreed to.

Clause 1.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in sub-clause (*1*) of clause 1, for the figures "1939" the figures "1940" be substituted.

The motion was then put and agreed to.

Mr. SPEAKER: Amendment Nos. 10-11A are vague, while No. 12 is unnecessary. We shall now take up amendment No. 13.

Mr. GIASUDDIN AHMED: Sir, why is amendment No. 12 unnecessary? May I make my submission?

Mr. SPEAKER: Afterwards.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that——

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. You allowed Mr. Giasuddin Ahmed to make his submission, but Mr. Roy Choudhury has already started his speech.

Mr. SPEAKER: I allowed him to make his submission afterwards. I shall explain later.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that clause 1 (3), namely, "It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint" of the original Bill, be restored.

Sir, the Select Committee must have recommended the deletion of this sub-clause on the ground that under cover of this provision the Government might delay the operation of this Act.

But, Sir, so far as the preparation of the record of jute-growing lands is concerned, it has already been undertaken and certainly in due course the work will be completed. There is no risk in this field that the application of the Act will be postponed to some indefinite future. In regard to compulsory regulation of jute production again I do not see as to how it may be applied in the course of a year or two. Certainly the preparation of the record of the jute-growing lands will not be fully completed before two years. After that some time will, of course, be spent in issuing licences and arranging for other preliminaries. Once only this preliminary work has been done that the question of compulsory jute production can be taken up.

Secondly, although the preparation of the record as to the amount of jute-growing land can be undertaken now, I do not think it will be wise to regulate the production of jute so lang as the war continues and the demand for this commodity remains high. After many lean years the cultivators have got an opportunity of eking out a moderate

fortune. It will be no act of statesmanship to put an obstacle in their way just at the present moment. In fact, compulsory regulation of jute production must be postponed till the end of the war. So there is no point in deleting sub-clause (3) of clause 1, of the original Bill.

Thirdly, Sir, I do not think that the Government of Bengal will be justified in ordering the regulation of jute production in this province without a previous understanding with the neighbouring provinces of Bihar and Assam. It has been found that the acreage under jute in these provinces has been on the increase for the last few years. In Bihar, in 1938-39, the average acreage under jute was 290,000 whereas the average during the previous ten years was only 211,000. In Assam, the increase is still greater. From 157,000 acres of land under jute some time ago, the number of acres has now increased to 292,000. While we shall restrict they shall increase—this will certainly not be a very happy arrangement to contemplate. So, I move that the sub-clause (3) of clause 1, of the original Bill be restored.

Mr. SPEAKER: So far as amendments Nos. 10-11A and 12 are concerned, the difficulty is that the language is absolutely vague. In amendment No. 12, Mr. Ahmed, you have stated "no other crop can be grown on account of strong current excepting jute". I do not think that in any Legislature you can use a language like that. Similarly, in amendment Nos. 10-11A, it is stated "except in such area comprises land on which no crop other than jute can be grown". That is absolutely vague. Your intention is in order but your drafting is not in order.

As regards amendment No. 14, there is the same difficulty. It is indefinite—"before the termination of the present war"—but the war may continue for 20 years.

Amendment No. 15 is beyond the scope of this Bill.

Mr. SIBNATH BANERJEE: Sir, if the honourable member does think that we should wait till the termination of the war? Even if the war continues for 20 or 200 years, has he not the right to say that?

Mr. SPEAKER: Not here.

Mr. SIBNATH BANERJEE: Exactly here, that is my contention.

Mr. SPEAKER: No.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as the amendment of Mr. Birendra Kishore Roy Choudhury is concerned, I oppose that. That was of course the Government proposal originally, but the Select Committee changed it, and I do not like to differ from what the Select Committee decided.

The motion of Mr. Birendra Kishore Roy Choudhury that clause 1 (*3*), namely "It shall come into force on such date as the Provincial Government may, by notification in the 'Official Gazette,' appoint" of the original Bill, be restored, was then put and lost.

The question that clause 1, as amended, stand part of the Bill was then put and agreed to.

Clause 2.

Mr. SURENDRA NATH BISWAS: May I, Sir, with your permission move the amendment standing in the name of Mr. Dhirendra Nath Dutta?

Mr. SPEAKER: Yes.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2 (*1*), in line 2, after the word "Crown" the words "not below the rank of a Sub-Deputy Collector" be inserted.

Mr. SPEAKER: There is just one point which I think, you should appreciate, I mean about the language. In some of the amendments you have tabled you say "Officer not below the rank of a Sub-Deputy Collector." Do you mean to say that it is only the executive officers? That would be the difficulty.

Mr. SURENDRA NATH BISWAS: Yes, Sir. I mean that the power which the Bill has given to the Collector shall be exercised by an executive officer

Mr. SPEAKER: The whole idea is this. There are certain things for record. It might be done by an officer of the Co-operative Department or an officer of the Registration Department. But in order to bring it within one term the power is delegated to a Collector and you have said "not below the rank of a Sub-Deputy Collector". Then it practically means the members of the Executive Service.

Dr. NALINAKSHA SANYAL: Sir, would you kindly allow a short-notice amendment, namely, "not below the rank of a Sub-Deputy Collector, Sub-Registrar and Inspector of the Co-operative Societies"? We do not want this to be in the hands of the police.

Mr. SPEAKER: I do not mind i

I think, Mr. Biswas, it would be better if you got a statement from Government as to what their intentions are.

Dr. NALINAKSHA SANYAL: All right, Sir, I will add as you advise in regard to the short-notice amendment suggested by me, upon the amendment of Mr. Dhirendra Nath Datta, and it is as follows, namely, that in clause 2 (*1*), in line 2, after the word "Crown" the words "not below the rank of a Sub-Deputy Collector, a Sub-Registrar or an Inspector of Co-operative Societies" be inserted.

No speech is necessary.

Mr. CHARU CHANDRA ROY: My amendment is the same as Mr. Dhirendra Nath Datta's, so I do not like to move it.

Mr. SPEAKER: I am afraid amendment No. 24 is defective, and I am not very clear as to what it means.

Mr. ASIMUDDIN AHMED: I beg to move that in clause 2 (*4*), in line 6, after the word "possession" the words "not more than five acres in area and any person possessing jute land more than five acres registered in his name shall be debarred from growing jute in any such land in khas cultivation" be inserted.

Mr. SPEAKER: You need not make a speech now, I will allow you to speak afterwards, after all the amendments to this clause have been moved.

Mr. MD. ABUL FAZL: I beg to move that in clause 2(*1*), in line 2, after the word "Crown" the words "not below the rank of Sub-Registrar" be inserted.

Mr. MD. ABUL FAZL: I beg to move that in clause 2 (8), in line 2, after the words "Official Gazette" the words "and in all vernacular papers of Bengal" be inserted.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that in clause 2 (12) for the word "Officer" the word "Magistrate" be substituted.

Mr. SPEAKER: Mr. Asimuddin Ahmed, you can now speak on your amendment, but kindly do it in a few words.

Mr. ASIMUDDIN AHMED: আমার এই সংশোধনী প্রস্তাব move করবার উদ্দেশ্য এই যে আমরা শুনতে পাই অনেক পরিষদের মেম্বর না কি এক হাজার বিঘা পর্যন্ত পাট চাষের জমি বোলে রেকর্ড করিয়েছেন। যারা নাকি বড় জোতদার এবং মহাজনী করেন তারা এই আইনের সুযোগে—বহু জমিতে পাট উৎপন্ন করবার সুযোগ নেওয়ার জন্য বড়ই ব্যস্ত হইয়া পড়িয়াছেন।

Mr. SPEAKER: Let me explain to you what would be the effect of your amendment and I shall have to do so in Bengali.

আপনি যা suggest কোরছেন তার ফল দাঁড়াচ্ছে এই যে আপনি চান grower of jute মানে শুধু তারাই মাত্র পাঁচ একরের মধ্যে যাদের চাষ সীমাবদ্ধ। পঁচিশ একর জমি যারা চাষ করে তারা grower হলেও এ আইনের মধ্যে আসবে না। এবং এ আইনের আমলে না এলে তারা যা ইচ্ছা তাই কোরবে। তাদের যদি এ আইনের control থেকে বাদ দেন তাহলে কি ফল হবে সেটা আপনি ভেবে দেখেছেন কি? এই জন্যে আপনার amendment টা press না করাই সঙ্গত হবে।

Mr. ASIMUDDIN AHMED: জমিদার ও বড় বড় মহাজন যারা বর্গা দিয়ে জমি রাখেন তাদের পাট চাষ না কোরলেও চলে। আর পাটের দর নিয়ন্ত্রনদ্বারা মূল্য বৃদ্ধি হবে এই সুযোগে তারা কৃষকের জমি কম রেকর্ড করিয়ে নিজেদের অনেক বেশী জমি রেকর্ড কোরে নিয়েছেন। সেইজন্য আমি বলছি পাঁচ একরের বেশী পাটের জমি যারা রেকর্ড করিয়াছেন তারা নিশ্চয়ই বড় জোতদার, মহাজন অথবা big talukdar বা ছোট খাট জমিদার। তারা অনেক বেশী জমি হলে বলে কৌশলে record করিয়েছেন। তারপর recorderরাও অনেকের সময় অন্যায় মত ভুল record কোরেছে—সত্যাসত্য বিবেচনা ও বিচার না কোরে এরূপ করিয়াছেন। এ সকল বিষয়ে আমার বন্ধু আব্দুল ওয়াহেব বোকাইনগরী সাহেব অনেক কারণ দেখিয়েছেন। কাজেই এরকম একটা restriction যদি আনা হয় তাহলে land যাদের বেশী আছে তারাই বেশী সুবিধা ভোগ কোরবে আর গরীব কৃষক যাদের জমি কম তারা নিশ্চয়ই ঠোকবে।

Babu SARENDRA NARAYAN CHAKRABARTY : সাধু প্রস্তাব।

Mr. SPEAKER : প্রস্তাবটা সাধু বটে কিন্তু correct নয়।

Hon'ble Mr. Tamizuddin Khan.

Mr. CHARU CHANDRA ROY: Sir, what about our amendments? Has the Hon'ble Minister accepted them, and may we now get an opportunity of speaking?

Mr. SPEAKER: You may speak when you come to the substantive clause.

The Ho'nble Mr. TAMIZUDDIN KHAN: Sir, in connection with amendment No. 16, Dr. Sanyal has moved an amendment to that amendment, namely, that in clause 2 (*1*), in line 2, after the word "Crown", the words "not below the rank of a Sub-Deputy Collector, a Sub-Registrar, or an Inspector of Co-operative Societies," be inserted.

Sir, I cannot accept the amendment.

Mr. SURENDRA NATH BISWAS: Do you accept the amendment moved by me on behalf of Mr. Dhirendra Nath Datta?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not that either, for the simple reason that we do not know where we shall stand some time hence. It is not unlikely that this department—this Jute Registration Department—may become a permanent department and in that case the higher officers of the Jute Registration Department may have to be empowered as Collectors. Therefore, if we fix this to the categories as proposed by my honourable friend that may lead to difficulties in future. In that view, Sir, I oppose all these amendments.

Then as regards the amendment of Maulvi Asimuddin Ahmed, you, Sir, have pointed out that the purpose he has in view will not be served if this amendment is carried, on the other hand it will make matters worse. Therefore, that amendment also cannot be accepted. Mr. Abul Fazl's amendment also I cannot accept, because it is not the practice of Government to publish these things in the vernacular papers.

The motion of Mr. Surendra Nath Biswas as amended by Dr. Sanyal to the following effect, namely, that in clause 2 (*1*), in line 2, after the word "Crown", the words "not below the rank of a Sub-Deputy Collector, a Sub-Registrar, or an Inspector of Co-operative Societies" be inserted, was then put and lost.

Mr. SPEAKER: This disposes of amendments Nos. 17 and 18.

The motion of Mr. Asimuddin Ahmed that in clause 2(*4*), in line 6, after the word "possession", the words "not more than five acres in areas registered in his name shall be debarred from growing jute in any such land in khas cultivation" be inserted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 2(*8*), in line 2, after the words "Official Gazette" the words "and in all vernacular papers of Bengal" be inserted, was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that in clause 2(*12*) for the word "Officer" the word "Magistrate" be inserted, was then put and agreed to.

The question that clause 2, as amended, stand part of the Bill was then put and agreed to.

Clause 3.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that in clause 3 (*1*), lines 3 and 4, the words "or for such part thereof as may for any special reason or purpose be specified in the notification" be omitted.

Mr. MAQBUL HOSAIN: Sir, I beg to move that in clause 3 (*1*), in line 5, after the words "was grown," the words "or sown but was not harvested" be inserted.

Mr. C. MORGAN: Sir, I beg to move that the following proviso be added to clause 3 (*1*):—

"Provided that a grower of jute who did not grow jute in the year specified in the notification under this sub-section may, within the period, in the manner and to the authority specified in sub-section (*2*) of section 4, apply to have particulars of any land in his possession on which he has grown jute in any one year during the three years preceding the year specified in the notification under this sub-section, entered in the record".

Mr. MAQBUL HOSAIN: Sir, I beg to move that in clause 3 (*1A*), in line 8, after the word "apply", the words "free of any charge" be inserted.

Mr. RAMIZUDDIN AHMED: Sir, I beg to move that after clause 3 (*1A*), the following new sub-clause be inserted, namely:—

"(*1B*) In any notification under sub-section (*1*) when the jute-grower fails to apply under sub-section (*1A*) or otherwise but in the opinion of the Provincial Government or Director of Land Records any area or a portion thereof specified in the notification appears to yield no other crop except jute, such area or portion thereof shall be entered in the record".

Mr. CHARU CHANDRA ROY (on behalf of Mr. Atul Krishna Ghose): Sir, I beg to move that in clause 3 (*2*), in line 4, after the word "may", the words "after giving fifteen days' notice" be inserted.

Sir, on behalf of Mr. Atul Krishna Ghose, I also beg to move that in clause 3 (*2*) (*a*), line 4, after the word "place", the words "not more than three miles off from his residence" be inserted.

Sir, I further beg to move that in clause 3 (*2*) (*a*), in line 7, after the word "and", the words "a copy of the notice shall be served on the person whose attendance appears to be necessary and" be added.

Mr. NIKUNJA BEHARI MAITI: Sir, I beg to move that in clause 3 (*4*), in line 2, after the word "faith", the words "and in spite of precautions" be inserted.

Mr. SPEAKER: Those who want to speak may do so on the following amendments Nos. 30, 33-34, 37-40, 46-47, 57, 59, 60 and 61 which have been moved.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I have moved by amendment to emphasize the fact if the record of jute-growing lands is to be prepared within a reasonable period of time, such preparation must be undertaken simultaneously in all the jute-producing districts. If this provision of the Act is applied piecemeal, there is every risk that the work will be pushed only half-heartedly and years will pass before a complete record can be available. It should be remembered that the preparation of such a record is almost analogous to the settlement operations which had been undertaken for years in this province. I only hope that the Government will see to it that in the short period of two years the record is completed.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose amendment No. 30. As regards amendments Nos. 33-34 and 37-40, the ideas contained in them are acceptable to Government but we cannot accept the amendments as they are. We would like to put up alternative drafts for the consideration of this House.

Mr. SPEAKER: The principle is accepted by Government but they will put up alternative drafts for these amendments later.

The Hon'ble Mr. TAMIZUDDIN KHAN: Amendment No. 46 is unnecessary because in the original clause itself, there is no provision for any levy. Therefore this is absolutely unnecessary. As regards amendment No. 57, we have already got a similar provision. Therefore that is also unnecessary. I also oppose the other amendments moved.

The motion of Mr. Birendra Kishore Roy Choudhury that in clause 3 (*1*), lines 3 and 4, the words "or for such part thereof as may for any special reason or purpose be specified in the notification" be omitted was then put and lost.

The motion of Mr. Maqbul Hosain that in clause 3 (*1A*), in line 8, after the word "apply", the words "free of any charge" be inserted was then put and lost.

The motion of Mr. Ramizuddin Ahmed that after clause 3 (*1A*), the following new sub-clause be inserted, namely:—

"(*1B*) In any notification under sub-section (*1*) when the jute-grower fails to apply under sub-section (*1A*) or otherwise but in the opinion of the Provincial Government or Director of Land Records any area or a portion thereof specified in the notification appears to yield no other crop except jute, such area or portion thereof shall be entered in the record."

was then put and lost.

The motion of Mr. Atul Krishna Ghose moved by Mr. Charu Chandra Roy that in clause 3 (*2*), line 4, after the word "may", the words "after giving fifteen days' notice" be inserted, was then put and lost.

The motion of Mr. Atul Krishna Ghose moved by Mr. Charu Chandra Roy that in clause 3 (*2*) (*a*), line 4, after the word "place", the words "not more than three miles off from his residence" be inserted was then put and lost.

The motion of Mr. Charu Chandra Roy that in clause 3 (*2*) (*a*), in line 7, after the word "and," the words "a copy of the notice shall be served on the person whose attendance appears to be necessary and" be added was then put and lost.

The motion of Mr. Nikunja Behari Maiti that in clause 3 (4), in line 2, after the word "faith", the words "and in spite of precautions" be inserted was then put and lost.

Mr. SPEAKER: Amendments Nos. 33-34 and 37-40 have been postponed. I don't think that it is possible to go on with the other amendments now. I hope that it will be possible to deal with them to-morrow.

Adjournment.

It being 7-30 p.m.

The House was adjourned till 4-45 p.m. on Tuesday, the 27th February, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 27th February, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 218 members.

STARRED QUESTIONS

(to which oral answers were given)

(Starred Question No. 85 in yesterday's list was called out.)

Mr. ATUL KRISHNA GHOSE: Sir, although this question was supplied to us yesterday, we did not know that it would be taken up to-day; so we have not brought the papers with us to-day——

The Hon'ble Khwaja Sir NAZIMUDDIN: This may be taken up to-morrow.

Mr. SPEAKER: All right.

Introduction of free primary education in Jessore.

***109. Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) when the Government propose to introduce free primary education in the district of Jessore; and

(*b*) when the District School Board for Jessore will be formed under the Bengal (Rural) Primary Education Act of 1930?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): It is not the policy of Government to constitute District School Boards in districts in which education cess is not levied. In the district of Jessore, the road and public works cess has been revalued under the new system provided for

in Chapter VIIA of the amended Cess Act. Under the Bengal (Rural) Primary Education Act, education cess is leviable under the old system. It is intended to amend the Primary Education Act so as to bring the levy of education cess into line with the system in Chapter VIIA of the Cess Act. Meantime, levy of education cess in the district of Jessore stands postponed for the present.

Mr. RASIK LAL BISWAS: মাননীয় প্রধান মন্ত্রীমহাশয় কি দয়া কোরে বোলবেন যশোরে যে difficulty arise কোরেছে তার জন্যে "Primary Education Act এর সংশোধনী বিল কোন সময় তাঁরা এই পরিষদে আনবেন?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot give any date, but we are trying to expedite the matter as much as possible. It is a matter of great urgency—we realise that.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় কি জানেন যে যশোর জেলায় প্রাইমারী এডুকেশন আইন-প্রবর্ত্তন না করার জন্য স্থানীয় অনেক লোক মনে করে যে গভর্ণমেণ্ট তাদের প্রতি অবিচার কোরছেন?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I would like to have a clear indication which is justice and which is injustice—imposition of the cess or the non-imposition? Sometimes I hear that if the cess is imposed, it is hardship and again it is said, if it is not imposed, it is injustice. I would like to have a clear indication about this and then I will decide my policy.

Proceedings against certain persons of Nawadwip under section 14 of the Dangerous Drugs Act, 1930.

***110. Miss MIRA DATTA GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware—

(*i*) that proceedings were taken against Srijut Atul Chandra Das and Srijut Tara Prasanna Dass of Nawadwip in 1938 under section 14 of the Dangerous Drugs Act, 1930, before the Subdivisional Officer, Krishnagar, for the possession of some morphine preparations;

(*ii*) that the prosecution failed as the Magistrate found that the accused had possessed those drugs by virtue of a licence held under the Poisons Act of 1919;

(*iii*) that since then attempts are being made to compel the party to take out two licences, one under the Dangerous Drugs Act and the other under the Poisons Act; and

(*iv*) that the Excise Superintendent has refused to renew the denatured spirit licence of this party for 1938-39, and an appeal having been made the District Magistrate has issued the order that "if the appellant takes out a separate licence for morphia he may be granted the spirit licence"?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps Government have taken or propose to take against Excise Officers for preventing a recurrence?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) (*i*) Yes, as they had no licence under the Dangerous Drugs Act or under the Morphia Rules issued in exercise of powers conferred by the Opium Act.

(*ii*) The prosecution failed as the trying Magistrate did not accept the contention of the prosecution that under rule 12 of the Rules framed under the Poisons Act, 1919, holders of poisons licences for poisons like opium and its alkaloids are subject to the restrictions under the Opium Act and that they are therefore required to take out licences under the Opium Act as well.

(*iii*) and (*iv*) Licence has since been issued to the party both for morphia and denatured spirit.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to (*iii*) and (*iv*), will the Hon'ble Minister be pleased to state under what Act the two licences referred to therein have been issued, namely, the licence for morphia and the licence for denatured spirit?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Under the old Morphia Rules which were then in force. As the rules under the Dangerous Drugs Act had not been published, the licences had to be taken under the old Acts.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the trying Magistrate in the prosecution case against this party found that there was no necessity for taking two licences as mentioned in answer (*ii*) and therefore the prosecution failed? If that is the position, why is it that Government demanded, as in answers (*iii*) and (*iv*), two licences under two separate provisions, one under the Morphia Rules and the other under the Dangerous Drugs Act?

The Hon'ble Mr. PRASANNA DEB RAIKUT: That I have already said, namely, that, under the old Morphia Rules and Poisons Act which were then still in force, the licensee had to obtain two licences.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the date when the licence was issued, as referred to in answers (*iii*) and (*iv*)?

Mr. SPEAKER: Apparently, he says, under the new Morphia Rules.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why two licences are necessary?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The Act and Rules provide for them.

Dr. NALINAKSHA SANYAL: Sir, my submission is that the party was harassed unnecessarily and was compelled to take out two licences even when two licences were not required under the rules.

Mr. SPEAKER: The point is when the new Morphia Rules came into operation.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I cannot say that off-hand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the new rules were in force when the licences were granted?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I do not think it was in force when the licences were granted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that undue pressure was brought to bear upon the party to compel them to take out two licences?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, if he is aware that their application for denatured

spirit licence for the year 1938-39 was turned down by the Excise Superintendent in his letter, dated the 17th May, 1938, and is it also a fact that on their appeal against this order, the District Magistrate said that if the appellant takes out a separate licence for morphia, he may be granted the spirit licence?

Mr. SPEAKER: Then apparently the Magistrate accepts the decision of the Superintendent.

Dr. NALINAKSHA SANYAL: The Magistrate said that if he took out a separate licence for morphia he might be given a denatured spirit licence. But this question deals with an appeal to the Government.

Mr. SPEAKER: That is the discretion of the Magistrate and it is dangerous to interfere with the discretion of a Magistrate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the party has taken out two licences at their own volition or they were required to take out because otherwise they would not be given the denatured spirit licence?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Under the rules, they have got to take two licences.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in view of the facts elicited, Government would consider the desirability of suitably modifying the new rules so that two licences may not be required?

The Hon'ble Mr. PRASANNA DEB RAIKUT: But the new rules are quite clear.

Organisation of more Sugarcane Growers' Co-operative Societies in Rajshahi district.

*111. **Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(a) whether it is in the contemplation of Government to organise more sugarcane growers' societies like the one organised at Gopalpur in the Rajshahi district; and

(*b*) whether expert opinion has been taken about the possibilities of—

(*i*) organising societies in Mohadebpur, Badalgachi and Naogaon thanas in the Naogaon subdivision of the Rajshahi district,

(*ii*) the Naogaon Ganja Cultivators' Co-operative Society helping the sugarcane growers by purchasing sugarcane from the members of the Ganja Cultivators' Co-operative Society, and

(*iii*) improving the condition of the sugar mill at Naogaon?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Not at present.

(*b*) (*i*) No occasion has arisen of taking expert opinion for organising societies in these thanas for want of a sugar mill within their possible reach.

(*ii*) For the same reason as in (*b*) (*i*) above, it is not feasible for the Naogaon Ganja Cultivators' Co-operative Society to purchase canes of its members.

(*iii*) Yes.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is aware that in Bihar and the United Provinces, cane is taken more than 100 miles to the sugar mills?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member also knows, I hope, that in the United Provinces, it is controlled by the Sugarcane Act and the whole thing is under the control of Government.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if it is possible to send sugarcane of Mohadebpur, Badalgachi and Naogaon to the place where the sugarcane of Gopalpur is sent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said that it is a very long distance and it is not possible to carry sugarcane to that area.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state the distance to which sugarcane from Mahadebpur is to be carried and the respective distances to which Gopalpur sugarcane is to be carried?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, if exact mileage is required, I would ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that sugarcanes from these areas are actually carried to the Gopalpur mill as well as to the small mill at Naogaon?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of Commerce Department be pleased to state if he is aware that sugarcane mills do take sugarcane from long distances even covering up to 300 miles?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is now convinced that expert opinion is necessary to advise him as to how sugarcane is to be carried to the mills.

Mr. SPEAKER: That question does not arise.

Grant for boys' maktabs in Dinajpur.

***112. Maulvi HAFIZUDDIN CHOUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the 50 per cent. higher grant sanctioned by Government for teachers serving in boys' maktabs in Dinajpur district has been mixed up with the lump grant after the establishment of the District School Board there; and

(*ii*) that the cause of maktab education in the district has suffered thereby?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) separating the amount of higher grant from the lump grant; and

(*ii*) utilising the same for the purposes for which it was earmarked before the establishment of the School Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) No; the 50 per cent. extra grant was to be given to maktabs which adopted the ordinary primary course and the grant was meant to encourage maktabs to come into line with the general run of primary schools. With the establishment of the District School Board and the revision of the primary curriculum, this object has now been achieved and the distinction between the two classes of schools (except for necessary specific variations), has disappeared and there is no need now to sanction this 50 per cent. extra grant separately.

(*b*) Does not arise.

Securing fair prices of sugarcanes for cultivators.

***113. Dr. NALINAKSHA SANYAL:** (*a*) Has the attention of the Hon'ble Minister in charge of the Commerce and Labour Department been drawn to the steps taken by the Governments of the United Provinces and Bihar securing for the cultivators fair prices for sugarcane on a sliding scale against the prevailing price of sugar, whereby they will obtain a minimum of 9 annas per maund for cane against a minimum of Rs. 11-4 per maund for sugar in the season 1939-40?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the sugar mills of Bengal have mostly managed to induce the cultivators to enter into agreements for the sale of sugarcane at prices between four to five annas only per maund; and

(*ii*) that some of the sugar mill authorities are attempting to keep down the price of cane in Bengal by an agreement amongst themselves, although the price of sugar is above Rs. 11-8?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take to ensure from the mills fair prices and dealing to the agriculturists of Bengal this season, and in future years?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) I have no official information.

(*c*) I understand that the mills have agreed to pay prices which are not considered unfavourable. I will be prepared to take action as soon as any attempt on the part of the mills to deal unfairly with the agriculturists is brought to my notice.

Dr. NALINAKSHA SANYAL: With reference to question (*c*), last part, relating to the action for future years, does the Hon'ble

Minister consider the desirability of taking sufficient powers by legislation or otherwise to enable the Government to fix higher prices or better prices of sugarcane in future?

The Hon'ble Mr. H. S. SUHRAWARDY: Not yet.

Permanent appointment of ten Inspectors of Co-operative Irrigation Societies in 1936-37.

***114. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Has the attention of the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department been drawn to the statement of the Registrar of Co-operative Societies made in the Annual Report on the working of the Co-operative Societies in the year ending the 30th June, 1937, at page 7, to the effect that ten temporary posts of Inspectors of Co-operative Irrigation Societies were made permanent in the year 1936-37?

(*b*) Will the Hon'ble Minister be pleased to state –

(*i*) for how many years prior to 1936-37, the ten Inspectors of Co-operative Irrigation Societies were temporary;

(*ii*) where and how these ten Inspectors had been employed during the past 5 years;

(*iii*) the number of Irrigation Societies organised during the past 5 years in each of the areas where these Inspectors have been employed;

(*iv*) how many of these societies were in existence on the 30th June, 1939, in the districts of (1) Birbhum and (2) Bankura; and

(*v*) whether any of these officers had ever been employed in areas without any Irrigation Societies or in work other than irrigation work?

(*c*) If the answer to (*b*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for such employment?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) (*i*) Five for 12 years and five for 11 years prior to 1936-37.

(*ii*), (*v*) and (*c*) These ten posts were created in 1925 and 1926 to facilitate the organisation of irrigation societies. In the next two years the total number of co-operative societies increased by over 30 per cent., from twelve thousand to eighteen thousand; it was impossible to retain these ten posts for the supervision of irrigation societies only and they were merged in the general cadre of Inspectors. Henceforth

irrigation societies were supervised along with all other classes of societies by the Inspector appointed with territorial jurisdiction over the area in which they were situated.

(*iii*) A statement is laid on the table.

(*iv*) Birbhum 496 and Bankura 353.

Statement referred to in the reply to clause (b) (iii) of starred question No. 114, regarding number of Irrigation Societies organised during the last 5 years in each Irrigation area.

Name of area.	1934.	1935.	1936.	1937.	1938.	Total number of Irrigation Societies as on 30th June, 1939.
Birbhum District.						
Birbhum Sadar, North .. / Birbhum Sadar, South ..	..	..	6	14	..	235
Bolepur ..	..	..	5	2	..	137
Rampurhat	..	..	2	..	1	104
Nalhati ..	..	..	..	..	..	20
						496
Burdwan District.						
Burdwan Sadar, North .. / Burdwan Sadar, South ..	..	..	1	..	..	91
Asansol ..	..	..	4	1	..	13
Kalna ..	..	..	..	..	..	3
Katwa ..	..	..	..	..	..	8
						115
Bankura District.						
Bankura Sadar, North .. / Bankura Sadar, South ..	..	1	5	4	1	353

Realisation of money from members of Joutha Banks, Tippera.

*115. **Mr. JONAB ALI MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that a large number of the members of different Joutha Banks within the Hajiganj police-station, Tippera, submitted petitions to the Secretary, Co-operative Credit and Rural Indebtedness Department, against the Assistant Registrar of Co-operative Societies, Tippera, and the Inspector of Co-operative Societies, Chandpur, on the 24th November, 1939, praying for protection from oppression by these officials in realising bank money from the members of the Joutha Banks?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken or he proposes to take in the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) Enquiry was made and the allegations were found to be entirely without foundation.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who actually made the enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was done by the Registrar under orders of Government.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if any witness was examined?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I must ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state what was revealed at the time of the enquiry to prompt these persons to make these false allegations?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is that an enquiry was made in the locality and I have got the report to show that the allegations that were made in the several applications were found to be without foundation.

Mr. SHAHEDALI: It has been admitted by the Hon'ble Minister that applications were made against the Assistant Registrar and the Inspector and the allegations were found to be false. My question is, did the enquiry reveal what prompted these persons to file these false applications?

Mr. SPEAKER: It is not for the Hon'ble Minister to say that.

Frustrating the debtors of the benefits of the Agricultural Debtors Act by creditors.

*116. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that from the time of the introduction of the Bengal Agricultural Debtors Act, 1935, to the establishment of the Debt Settlement Board many cases were instituted by the creditors to frustrate the object of the Act; and

(*ii*) that innumerable *jotes* of the agricultural debtors of the Province have passed from their hands to that of the creditors and others during the said period?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes; statements of this nature have been made at times.

(*b*) The matter is under consideration.

Ejectment of tenants-at-will in Calcutta.

*117. **Mr. ATUL KRISHNA GHOSE:** (*a*) With reference to the reply to starred question No. 415 of the 4th May, 1939, and the assurance given by the Hon'ble Minister in charge of the Local Self-Government Department, will he be pleased to state the result of his enquiry into the matter?

(*b*) Is the Hon'ble Minister aware of the facts—

(*i*) that majority of tenants are tenants-at-will and have to vacate the premises they occupy on 15 days' notice ending with a month; and

(*ii*) that such ejectment as is referred to in (*i*) has been causing dislocation of business of shop-keepers of small means?

(*c*) Is the Hon'ble Minister now aware of the fact that the rent in several business quarters has increased double the amount than it was ten years back and if the tenants do not agree to pay the high rent, they are served with ejectment notice?

(*d*) Is the Hon'ble Minister aware of the fact that the majority of the unemployed middle class youths who took to shopkeeping business

in Calcutta have failed in business due to enhanced rent of shops and that almost 75 per cent. of the profit of those small shops go to pay the rent of their business premises?

(*e*) Will the Government consider the desirability of providing an Act to protect the interest of the tenants?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The result of the enquiry is incorporated in the answers to clauses (*b*) (*i*) and (*c*).

(*b*) (*i*) Yes.

(*ii*) Government are not aware of any such dislocation.

(*c*) There has rather been a fall in the rents in Calcutta during the last ten year. The latter part of the question does not, therefore, arise.

(*d*) Government have no such information.

(*e*) No, as no legislation appears to be called for at present.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*b*), is the Hon'ble Minister aware of the fact that the landlords of Calcutta can eject their tenants on giving 15 days' notice and as such the business of those tenants is dislocated?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that fact.

Mr. ATUL KRISHNA GHOSE: Then what is the significance in replying (*b*)(*ii*) that Government are not aware of any such dislocation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If rents are paid landlords do not eject their tenants.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is a fact or not that landlords can eject the tenants on giving 15 days' notice and as such the business is dislocated?

Mr. SPEAKER: The second part of your question does not arise.

Mr. ATUL KRISHNA GHOSE: My first part of the question is whether the Hon'ble Minister is aw[illegible] at tenants are ejected on giving 15 days' notice?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is a matter of law.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*c*), where the Hon'ble Minister says that there has rather been a fall in the rents in Calcutta during the last ten years, will the Hon'ble Minister be pleased to state as to what is the source of his information?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: From the assessment of the Calcutta Corporation.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in at least 90 per cent. of the shops of Burra Bazar and College Square rents have gone 50 times up?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: My information is otherwise.

Mr. ATUL KRISHNA GHOSE: 10 times up?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: My information is otherwise.

Mr. ATUL KRISHNA GHOSE: 4 times up?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Mr Speaker, Sir, I would like to draw your attention to the fact that this question involves great responsibility on the part of the members of this House in so far as that the tenants all over Bengal who come to Calcutta all become Calcutta tenants and they are being put to much hardship and I hope, Sir, that you will allow me to put this supplementary question.

Mr. SPEAKER: I can't allow that.

Cheap medical aid to rural areas of Rajshahi.

***118. Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what steps he has taken since his assumption of office up to this time to provide cheap medical aid in rural areas of the Rajshahi district;

(b) the amounts spent as subsidies and annual grants for village and thana dispensaries from the contribution of Government of India in each year separately;

(c) what are the prescribed conditions for such grants; and

(d) whether the Government contemplate any scheme of capital grants towards establishment of Union Board dispensaries?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) The provision for State aid to rural dispensaries in the Province has been increased from Rs. 1,10,000 in 1936-37 to Rs. 1,50,000 in 1939-40 and all dispensaries recommended by the Commissioners of Divisions and found eligible have been paid the usual grant by reappropriation of additional funds beyond the annual grant.

(b) A statement is laid on the table.

(c) The condition attached to contributions made from the Government of India's grant for rural uplift for the establishment of Union Board dispensaries was that the recurring cost of maintenance of the dispensary should be met from local sources.

The principal conditions governing the distribution of annual grants to thana and village dispensaries are—

(1) no grant will be paid to a dispensary without a positive report that it is efficiently managed; and

(2) no fresh grant beyond those already admitted will be paid on account of a new dispensary in a thana in which a dispensary already exists so long as there remains any other thana in the district without a dispensary.

(d) Yes; a scheme for making capital grants towards establishment of a Union Board dispensary at a central place between two Union Boards throughout the Province is under the consideration of Government.

Statement referred to in the reply to clause (b) of starred question No. 118.

The amount sanctioned for establishment of Union Board dispensaries in the district of Rajshahi out of Government of India's grant for rural uplift was Rs. 7,200 for four dispensaries.

The annual grants to thana and village dispensaries in Rajshahi under the State scheme of subsidies have been as follows:—

Year.	Number of thana dispensaries.	Number of village dispensaries.	Amount of grant. Rs.
1937-38	.. 5	4	3,500
1938-39	.. 5	5	3,750
1939-40	.. 5	8	4,500

Realisation of "Iswar Birti" from customers by traders.

***119. Mr. J. N. GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that merchants and traders charge "Iswar Birti" to their customers over and above the rates of articles purchased by them?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of introducing legislation to prevent such transaction to save the people from taxation by merchants and traders?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) The matter is receiving attention.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether before he arrives at any decision in the matter he will bring forth legislation?

The Hon'ble Mr. H. S. SUHRAWARDY: The matter is receiving attention.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that this "Iswar Birti" is realised in different names in different parts of Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware, Sir, of about 30 different names. (Laughter.)

Construction of Satkhira-Navaran Road.

***120. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) when has the construction of the Satkhira-Navaran Road in the districts of Khulna and Jessore been taken up under the Road Development Scheme;

(ii) what is the amount that has been estimated and sanctioned for the road;

(iii) what is the amount that has been spent till the end of 1939;

(iv) what has been the progress of the work of that road;

(v) how long is it likely to take to finish the construction of the road;

(vi) what retards the progress of the works on that road; and

(vii) what further amount may be necessary for the completion of the road?

(b) Is the Hon'ble Minister aware of the difficulties of the people of the locality for the delay in completing the construction of the road?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) (i) Land acquisition and earth work on the portion of the road between Navaran and Ellishpur in the district of Jessore was commenced in the cold weather of 1936-37. The Provincial Board of Communications at their meeting of the 29th November, 1939, agreed that the Provincial Government should recommend to the Government of India that the remaining portion of the road between Ellishpur and Satkhira in the district of Khulna should be executed and financed from the Road Fund. Government will make this recommendation if they are satisfied that the construction of the road is not likely to be prejudicial to public health, agriculture, etc.

(ii) The amount sanctioned for the portion between Navaran and Ellishpur is Rs. 5,39,703. The cost of constructing the remaining portion is estimated at Rs. 10 lakhs.

(iii) Rs. 3,35,737.

(iv) and (v) Between Navaran and Ellishpur work is in progress at various stages; the expenditure this year to the end of January is Rs. 74,500 and the budget provision of Rs. 95,000 will be fully utilised. This section of the road it is estimated will be completed in 1942-43. I am at present not in a position to say when the remaining portion will be completed.

(vii) The estimated cost of the whole project is Rs. 15,40 lakhs.

(vi) and (b) I appreciate the difficulties and regret that there has been some delay, which was mainly due to the fact that the brick supplying contractor was behind his schedule owing to a shortage of wagons for the supply of coal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the first portion of the road from Navaran to Ellishpur was actually contracted out for construction?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am sorry, Sir, I cannot give the information off-hand, as that was done before we assumed charge.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what form the contract was entered into? Was there any time-limit laid down for the completion of the work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Even if there was time-limit, the facts that stood in the way could not make Government enforce it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in which year was the scarcity of waggons and shortage of bricks due to the supply of waggons?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have said, Sir, it was before our time, i.e., before 1937.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why it was not possible to finish the work after the present Government assumed office if bricks and waggons were available since the assumption of office by this Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: After our assumption of office we made the necessary arrangements and since then the progress has been fairly satisfactory.

Dr. NALINAKSHA SANYAL: May I know by what time this work—I mean, the first portion up to Ellishpur—is likely to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I will refer the honourable member to my reply (*a*) (*iv*) and (*v*).

Dr. NALINAKSHA SANYAL: In the reply there is no mention of any allotted time. What time precisely? May I draw the Hon'ble Minister's attention to the answer in which he only says: "This section of the road, it is estimated, will be completed in 1942-43." That refers to the subsequent project.

Rai HARENDRA NATH CHAUDHURI: No, no.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the contractor and what action was taken against him for failure to complete the work within time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, Sir, the contractor was not himself responsible. There were factors which were beyond the control of even the Government, which was responsible for the delay. So I believe no action was taken against the contractor.

Dr. NALINAKSHA SANYAL: Sir, my question has not been answered. I want to know who was the contractor. I also want to know what was the form of the contract and whether time was the essence of the contract.

Mr. SPEAKER: The Hon'ble Minister has said that the reason why the work could not be completed was not because of the contractor's fault nor of the fault of the Government but because of other factors.

Dr. NALINAKSHA SANYAL: Was there any provision for any punishment of the contractor if there was delay in execution of the work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, there are different forms of contract and I believe that in one form under which the contractor is liable——

Dr. NALINAKSHA SANYAL: I want to know if this particular contract was in that form. I do not want any general statement. I want to know if this particular form of the contract provided for punishment of the contractor if the contractor did not execute the work within the stated time.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have stated just now if there was delay there are good reasons for which the contractor could not complete the work——

Dr. NALINAKSHA SANYAL: Sir, I am entitled to a reply. I do not want any hypothetical phraseology. I want a specific and definite reply to the question of which notice was duly given.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am sorry, I am not carrying in my brain the form of contract which was given to the contractor five years back.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister carrying it in his file?

Mr. SPEAKER: That is understood. (Laughter.)

Mr. ATUL KRISHNA GHOSH: Will the Hon'ble Minister be pleased to state the terms of that contract?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice.

Oppression of raiyats by zemindars in Shamnagar and other thanas in Khulna.

***121. Mr. PATIRAM ROY:** (*a*) Has the Hon'ble Minister in charge of the Revenue Department received any application complaining against the zemindars and their agents for oppression and exactions from a large number of tenants of Shamnagar, Kaliganj, Asasuni, Dacope and Paikgachha police-stations of the Khulna district during the last two years?

(*b*) If so, what steps, if any, have the Government taken in the matter?

(*c*) Have the Government informed any of the applicants about the steps taken?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Such complaints were received from the tenants of Shamnagar and Kaliganj police-stations only.

(*b*) The petitions were forwarded to the Collector of the district for disposal in accordance with the provisions of sections 58 and 74A of the Bengal Tenancy Act.

(*c*) Yes, on one occasion only.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether an enquiry was held by the Collector under sub-section (*4*) of section 58 of the Bengal Tenancy Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what action has the Collector of Khulna taken in regard to the petition mentioned in answer (*c*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In question (*c*) there is no question of action by the Collector. Question (*c*) is as follows: "Have the Government informed any of the applicants about the steps taken?"

Mr. SPEAKER: Mr. Hashemy, you ought to read the question before you put a supplementary question.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when that petition was submitted to the Collector.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As soon as the petitions were received they were forwarded to the Collector for action.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how many months or how many years before?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় তাঁর উত্তর (b) তে যে সমস্ত application Collector এর কাছে পাঠানো হয়েছে বোলে স্বীকার কোরছেন মন্ত্রীমহাশয় কি দয়া কোরে খবর নিয়েছেন কালেক্টর এপর্য্যন্ত তার কোনটী সম্বন্ধে তদন্ত কোরে কিছু ব্যবস্থা কোরেছেন কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the hon'ble member should know that sections 58 and 74A invest the Collector with certain judicial powers but he is not under the executive control of Government in discharging his judicial functions. The matter was sent to the Collector to take judicial notice of the allegations made in the applications.

Mr. RASIK LAL BISWAS: কালেক্টর এসম্বন্ধে যদি কোন executive ব্যবস্থা নিতেন তাহলে তাড়াতাড়ি এরা রক্ষা পেতে পারতো।

Mr. SPEAKER: That question does not arise. Besides I am rather surprised that you of all people should want the District Magistrates to take executive action!

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please let us know how many petitions were received?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Protective measures against flood in Nadia district.

*122. **Mr. HARIPADA CHATTOPADHYAY:** (a) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(i) what was the extent of damages caused by the last flood in the Kaliganj police-station of the Sadar subdivision in the Nadia district;

(*ii*) what measures have been taken by Government to protect the lowlying areas of this police-station from the periodic recurrence of flood;

(*iii*) whether the protective *bunds* checking the overflow of flood waters of the Bhagirathi and its branches through the long stretch of *khal* from Harinathpur to Kuthuria were adequately repaired last year;

(*iv*) whether the *bund* is now in proper condition; and

(*v*) whether this *bund* serves the purpose of road from Harinathpur to Dibrin?

(*b*) Have the Government in contemplation any scheme for thorough repairs of this road?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state when the scheme is likely to be given effect to?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take for the protection of the area from periodic inundation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Paddy and jute sown in half the area comprised in the police-station were destroyed.

(*ii*) and (*d*) I am advised that it is not feasible to protect this lowlying area without transferring the trouble elsewhere. The construction of embankments would lead to water-logging and an increase of malaria.

(*iii*) to (*v*) The *bund* is a private one. The only information that I have about it is that it is used by pedestrians as a road where flood conditions allow.

(*b*) No.

(*c*) Does not arise.

Mr. HARIPADA CHATTOPADHYAY: মন্ত্রীমহাশয় জানেন কি যদি এটাকে রক্ষা করা না যায় তাহলে নদীয়ার বহু লোকের সমূহ অনিষ্ট হবে?

Mr. SPEAKER: That is a matter of opinion and you can draw your own conclusion.

Mr. HARIPADA CHATTOPADHYAY: মন্ত্রীমহাশয় কি জানেন যে নদীয়ার District Magistrate এর আহ্বানে বিশিষ্ট ইঞ্জিনিয়ারগণ একত্র হোয়েছিলেন; তাঁহারা সকলে অভিমত প্রকাশ কোরেছেন যে সেখানে যদি খাল কাটা যায় তাহলে আপাতত সে অঞ্চল রক্ষা করা যায়?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no knowledge of the conference referred to.

Dr. NALINAKSHA SANYAL: With reference to answer (*ii*) and (*b*) that protection to this low lying area could not be done without transferring the trouble elsewhere, will the Hon'ble Minister state which other area he means and what would be the probable alternative loss in that area that is contemplated——

Mr. SPEAKER: I am afraid that is too general a question.

Dr. NALINAKSHA SANYAL: All right, Sir. Is the Hon'ble Minister aware that within this area there are important villages like Motihari and Shamnagar which are very populous and contain big houses?

Mr. SPEAKER: I am afraid it is no use asking a question for the sake of a question. I am quite in sympathy with your desire but I must again say that it is too general.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that the *bund* in question was repaired last year by a contribution received from the District Magistrate's Discretionary Fund?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: So far as I know, Sir, that is a private *bund*, and I am not sure if any contribution was made by the Collector.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that this *bund* which is a zemindar's *bund* has been allowed to fall into disrepair because of the former *utbundhi* tenants having been converted into permanent tenants?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have already stated in my reply (*iii*) to (*v*), I have not any detailed knowledge of the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to enquire into the matter?

Mr. SASANKA SEKHAR SANYAL: In view of answers (*ii*) and (*b*), that protection of this area will transfer trouble elsewhere, does the position therefore stand thus: that the protection of this area is impossible?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The question which we are now considering to utilize similar areas is by encouraging the growth of those particular kinds of paddy which will flourish in waterlogged area.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government is considering the desirability of according sanction to the repair of the *bund* in question, if a private contribution was raised by the villagers themselves?

Mr. SPEAKER: Why is the sanction necessary?

Dr. NALINAKSHA SANYAL: That is the trouble now, Sir. You cannot even protect your hearth and home unless the authorities sanction it. My question is: if the Hon'ble Minister is aware that the protection of this *bund* and repair thereof have been prohibited under the orders of the District Magistrate?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to say off-hand. But if it was done it must have been done on expert advice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the District Magistrate issued this order on the advice of his department?

Mr. SPEAKER: You have told us that it was the District Magistrate who out of his Discretionary grant contributed to the repair of this *bund*. Now you say that he has prohibited the repair of this *bund*.

Dr. NALINAKSHA SANYAL: Sir, it was a former District Magistrate, namely, Mr. M. M. Stuart, who spent money on the protection of this *bund*, but the new District Magistrate in spite of the fact that he has sympathy with this project prevents the inhabitants from repairing this by reason of the obstinacy of the department concerned.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I find the honourable member has more knowledge than I have got, and he has no need to elicit further information.

Dr. NALINAKSHA SANYAL: I want to ascertain this fact from the Hon'ble Minister whether he has knowledge that these officers are acting in a manner prejudicial to the public interest. I have collected

some information and I want to know from Government if they have issued any instructions to prevent private persons from protecting this *bund* and their own hearth and home?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I refer the honourable member to the Embankment Act.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that the Embankment Act does not refer to private *bunds* of this character? It is absurd if he does not know this.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I stick to my reply.

Dr. NALINAKSHA SANYAL: Yes, you stick to it because you do not know it.

Construction of a metalled road between Charabari and Tangail.

***123. Mr. AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that Charabari is the only steamer station for journey to and from Tangail;

(*ii*) that the road from Tangail town to Charabari steamer station is an ordinary *kacha* road; and

(*iii*) that it is annually inundated by flood?

(*b*) If so, do the Government contemplate the construction of a metalled road between Charabari and Tangail?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) I have no doubt that the information given by the honourable member is correct.

(*b*) No, the construction of such a road is clearly a local responsibility.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether he is aware that the Charabari to Tangail Road is a part of the route connecting the two subdivisions of Serajganj and Tangail of two different districts from Mymensingh?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe so.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister please note that the construction of the Charabari-Tangail road is therefore not the local liability?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am sorry I differ from the honourable member.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় যে প্রশ্নোত্তর দিয়েছেন তাতে এই রাস্তাটীর প্রয়োজনীয়তা সম্বন্ধে কোন সন্দেহ নাই বোলেছেন। গভর্ণমেন্ট কি অনুগ্রহ কোরে এই রাস্তাটা নিজের হাতে নেবেন?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would refer the honourable member to my reply (*b*).

Present condition of health of political prisoner Babu Purnananda Das Gupta.

***123A. Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Babu Purnananda Das Gupta, a political prisoner in Alipore Central Jail, is now in hospital for treatment; and

(*ii*) what is the present condition of his health?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*i*) Yes.

(*ii*) An operation was successfully performed on him on Saturday, the 24th February. His condition and progress are satisfactory.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state what is the disease for which Babu Purnananda Das Gupta had to undergo this operation?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not the usual practice to give out the name of the disease but in this particular case I am prepared to do so as an exception. Babu Purnananda Das Gupta was operated upon on Saturday last for bleeding piles and is doing well.

Mr. ATUL CHANDRA SEN: How long has he been suffering?

Mr. SPEAKER: I may advise Mr. Sen that probably it would be better in the interest of the health of the patient that questions regarding his health are not asked at this stage. I am prepared to make an exception to allow you to ask supplementary questions regarding this matter later on.

Dr. NALINAKSHA SANYAL: I submit, Sir, the patient might feel happy if he learns that we are taking interest for his health.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of setting up a Commission of official and non-official medical men for examining Purnananda Babu, and advising the Government as to whether he should not be set at liberty?

Mr. SPEAKER: I am afraid that question does not arise. So long as he is a patient I cannot allow that question. Supposing Government say "No" and he hears of it, it will react on his health. I am quite prepared to allow that question later.

The Hon'ble Khwaja Sir NAZIMUDDIN: That question does not arise out of this.

Mr. SPEAKER: Anyway, I have disallowed the question.

GOVERNMENT BILL.

The Bengal Jute Regulation Bill, 1939.

Mr. SPEAKER: The House will now resume further consideration of the Bengal Jute Regulation Bill.

The Hon'ble Mr. TAMIZUDDIN KHAN: The two amendments that were postponed yesterday are amendments Nos. 33-34, and 37-40. Amendment No. 33-34 was moved by Mr. Maqbul Hossain. So far as that is concerned I shall submit to the House what Government have decided to do later on.

As regards Amendment No. 37-40 which was also postponed I shall with your leave move a new amendment which reads as follows:—

"that after sub-clause (*1A*) of clause 3 the following sub-clause be inserted, namely:—

'(*1B*) In any notification under sub-section (*1*) the Provincial Government may also direct that, in the area specified in the notification, any grower of jute who did not grow jute in the year specified in the notification may within the period, in the manner, and to the authority, specified in sub-section (*2*) of section 4, apply to have entered in the record any land in such area on which he or his predecessor in interest grew jute in any one of the three years immediate preceding the year specified in the notification.'"

Sir, the principle underlying the amendment No. 37 is the same. Only it has been put in a slightly different language. Honourable members will kindly see that this will allow the preparation of a record even in cases where——

Mr. SIBNATH BANERJEE: Sir, before the Hon'ble Minister elaborates his point, I want to rise on a point of order. Yesterday clause (3) has been finished and, therefore, the Hon'ble Minister is not right in re-opening that clause.

Mr. SPEAKER: I think there is some disorder in your point of order.

The Hon'ble Mr. TAMIZUDDIN KHAN: I was going to say that a man who may not have grown any jute on his land in the year for which the record is going to be made, will yet have an opportunity to have his land recorded if he had grown jute on his land in any one of three preceding years. It is a definite advantage.

Maulvi ABU HOSSAIN SARKAR: May I know from the Hon'ble Minister whether Government are prepared to issue a notification with respect to this year immediately if they want to enforce the regulation this year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, we will.

Mr. SPEAKER: In that view is there any necessity for amendments Nos. 33-34 and 37-40? Do you wish to stick to them?

The Hon'ble Mr. TAMIZUDDIN KHAN: As regards amendment Nos. 33-34 my submission is this. The amendment is with regard to the word "grow". That word occurs not only in this clause but also in other clauses. Therefore, the most appropriate clause in which the amendment should find a place is the definition clause, but there is one difficulty, as we have already dealt with that clause and, therefore, it will not be perhaps permissible to re-open that. That will however be an addition and not an amendment so to say.

Mr. SPEAKER: Personally what I would suggest is this. So far as clause 2 is concerned that is finished. You can have a fresh clause containing the definition of "grow" and then before the third reading we can put this new definition together with other definitions in clause 2.

I think that it is a perfectly pertinent point which has been raised by Mr. Maqbul Hossain and Mr. Shahed Ali in their amendment. Government point out that the word "grow" is not only to be found in clause 3 but also in various other clauses of the Bill. Therefore there should be a new clause giving the definition of the word "grow", which is as follows:—

"'grow' with its grammatical variations when used in relation to jute includes 'sow' and the grammatical variations thereof, irrespective of whether the jute is harvested or not."

That is the Government draft. It is an improvement, but I quite admit that the difficulty is that clause 2 has been carried.

Dr. NALINAKSHA SANYAL: Is that happily worded?

Mr. SPEAKER: What I propose to do is to leave it as it is, and when the third reading is taken up it is open to the House to make consequential grammatical corrections.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the following may be added as clause 2A just after the definition clause, i.e., clause 2:—

"(2A) In this Act unless there is anything repugnant in the subject or context:—

'grow' with its grammatical variations when used in relation to jute includes 'sow' and the grammatical variations thereof, irrespective of whether the jute is harvested or not."

Dr. NALINAKSHA SANYAL: We do not really follow what has been suggested. As a matter of fact, one "sowing" will be followed by another "growing" and that "growing" will be followed by another "sowing". How do we stand if all the grammatical variations of one go with all the grammatical variations of another?

The motion of the Hon'ble Mr. Tamizuddin Khan that after clause 2 the following new clause be inserted, namely:—

"2A In this Act unless there is anything repugnant in the subject or context:—

'grow' with its grammatical variations when used in relation to jute includes 'sow' and the grammatical variations thereof, irrespective of whether the jute is harvested or not",

was then put and agreed to.

Mr. SPEAKER: In view of this, amendment (Nos. 33 and 34) does not arise. As regards 37 and 40 a new draft has been circulated to the members and it has been moved by Mr. Tamizuddin Khan.

The motion of the Hon'ble Mr. Tamizuddin Khan that after sub-clause (*1A*) of clause 3, the following sub-clause be inserted, namely:—

"(*1B*) In any notification under sub-section (*1*) the Provincial Government may also direct that, in the area specified in the notification, any grower of jute who did not grow jute in the year specified in the notification may, within the period, in the manner, and to the authority specified in sub-section (*2*) of section 4, apply to have entered in the record any land in such area on which he or his predecessor in interest grew jute in any one of the three years immediately preceding the year specified in the notification."

was then put and agreed to.

The motion of Mr. I. G. Kennedy that the following proviso be added to clause 3 (*1*):—

"Provided that a grower of jute who did not grow jute in the year specified in the notification under this sub-section may, within the period, in the manner and to the authority specified in sub-section (*2*) of section 4, apply to have particulars of any land in his possession on which he has grown jute in any one year during the three years preceding the year specified in the notification under this sub-section, entered in the record",

was then by leave of the House withdrawn.

The question that clause 3 as amended stand part of the Bill was then put and agreed to.

Clause 4.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that in sub-clause (*2*) of clause 4, in line 3, for the word "corrections" the word "correctness" be substituted.

I beg to move that in sub-clause (*2*) of clause 4, in line 5, after the brackets, figure and letter "(*1A*)" the words, brackets, figure and letter "or sub-section (*1B*)" be inserted.

I beg to move that in sub-clause (*2*) of clause 4, in line 6, for the words "in that sub-section" the words "respectively in these sub-sections" be substituted

Mr. MD. ABUL FAZL: I beg to move that in clause 4 (2), in line 1, for the words "such period" the words "one year" be substituted.

Mr. MD. ABUL FAZL: I beg to move that in clause 4 (2), in line 1, after the word "make" the words "free of cost" be inserted.

Mr. NIKUNJA BEHARI MAITI: I beg to move that in clause 4 (2), in line 3, after the word "objection" the words "free of any charge or cost" be inserted.

Mr. MAQBUL HOSAIN: I beg to move that in clause 4 (2), in line 3, after the word "objection" the words "free of any charge" be inserted.

Mr. MAQBUL HOSAIN: I beg to move that in clause 4(2), in line 5, after the word "application" the words "free of any charge" be inserted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I opppose all these amendments because they are all absolutely unnecessary. Honourable members will kindly see that in the original Bill it was provided that some fee might be levied. The Select Committee omitted those words from the clause. Therefore it is quite clear that unless there is some provision for levy of any charges no charges can be imposed. In that view these amendments are unnecessary.

The motion of Mr. Md. Abul Fazl that in clause 4 (2), in line 1, for the words "such period" the words "one year" be substituted was then put and lost.

The motion of Md. Abul Fazl that in clause 4(2), ln iine 2, after the word "make" the words "free of cost" be inserted, was then put and lost.

The motion of Mr. Nikunja Behari Maiti that in clause 4(2), in line 3, after the word "objection" the words "free of any charge or cost" be inserted, was then put and lost.

The motion of Mr. Maqbul Hosain that in clase 4(2), in line 3, after the word "objection" the words "free of any charge" be inserted, was then put and lost.

The motion of Mr. Maqbul Hosain that in clause 4(2), in line 5, after the word "application" the words "free of any charge" be inserted, was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that in sub-clause (2) of clause 4, in line 3, for the word "corrections" the word "correctness" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. Tamizuddin Khan that in sub-clause (*2*) of clause 4, in line 5, after the brackets, figure and letter "(*A*)" the words, brackets, figure and letter "or sub-section (*1B*)" be inserted, was then put and agreed to.

The motion of the Hon'ble Mr. Tamizuddin Khan that in sub-clause (*2*) of clause 4, in line 6, for the words "in that sub-section" the words "respectively in these sub-sections" be substituted, was then put and agreed to.

The question that clause 4 as amended stand part of the Bill was then put and agreed to.

Clause 5.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 5(*1*), in line 9, after the word "year" the words "and of all lands on which no crop other than jute can be grown" be inserted.

Sir, in bringing this motion before the House, I beg to point out to the Hon'ble Minister that in sub-clause (*1A*) of clause 3, it has been stated that there should be a record, not only of the lands on which jute can be grown, but also a record of the lands on which no crop other than jute can be grown. So, if as a matter of fact, clause 5 contemplates the preparation of final record of all lands on which jute was grown, the words "and of all lands on which no crop other than jute can be grown" should be inserted. This follows as a matter of course. I hope the Hon'ble Minister will appreicate the amendment that I have moved. It follows as a matter of course from the amendment of sub-clause (*1A*) of clause 3.

Mr. SURENDRA NATH BISWAS: Sir, what will happen to my amendment No. 74?

Mr. SPEAKER: What I would suggest is to leave out this amendment for the time being and I will allow it to come in as a consequential amendment if necessary.

The Hon'ble Mr. TAMIZUDDIN Khan: Sir, I beg to move that the following proviso be added to sub-clause (*1*) of clause 5, namely:—

"Provided that the Provincial Government may, in any year, subsequent to that in respect of which the final record is prepared, direct that any correction so made in the final record in respect of an application made under sub-clause (*2*) of section 4 shall, in the prescribed manner, be examined and, if necessary, be revised."

Sir, the object is that the corrections that will be made by way of entering the character of certain classes of lands, namely, that no crop other than jute can be grown on that land. Those corrections may subsequently be revised for this reason that there may be certain lands on which nothing but jute can be grown in a particular year or during a period of years, but subsequently the lands may be raised or the character of the lands may be changed in such a way that the lands may grow other crops also. In that view there should be a provision for such record being capable of revision. It is in that view that I move this amendment No 71.

As regards amendment No. 70 of Mr. Dhirendra Nath Datta, although I appreciate his motive I would like to point out that it is unnecessary because so far as the lands on which nothing but jute can be grown that is only a description of the land. What the record will show will be land under jute and if there is any land on which nothing but jute can be grown, only that character of the land will be recorded in the record. Therefore it is not necessary that an amendment like this should at all be accepted. It is absolutely unnecessary.

The motion of Mr. Dhirendra Nath Datta that in clause 5 (*1*), in line 9, after the word "year" the words "and of all lands on which no crop other than jute can be grown" be inserted, was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that the following proviso be added to sub-clause (*1*) of clause 5, namely:—

> "Provided that the Provincial Government may, in any year subsequent to that in respect of which the final records is prepared, direct that any correction so made in the final record in respect of an application made under sub-section (*2*) of section 4 shall, in the prescribed manner, be examined and, if necessary, be revised",

was then put and agreed to.

The question that clause 5 as amended stand part of the Bill was then put and agreed to.

Mr. SPEAKER: I am not going to take up clause 5A at this stage. This is a new clause and I propose to take it up later on.

Dr. NALINAKSHA SANYAL: Sir, in this connection, may I submit for your consideration one factor that the new clause 5A relates to the provisions of the new Bengal Jute Regulation Ordinance, 1940? A motion in regard to that ordinance has already been given notice of and as you are aware, Sir, the parliamentary convention

is that when a motion is already in the possession of the House—and under the provisions of the Act I am entitled to have a day for discussion of that motion—it would not be desirable, Sir, to have my motion overridden by an anticipatory motion of this kind.

Mr. SPEAKER: No, it will not be overridden. Even supposing this clause is passed, it will still be open to you to discuss it on the day I fix for it.

Dr. NALINAKSHA SANYAL: In that case, Sir, I shall have another difficulty——

Mr. SPEAKER: Our rule is certainly overridden by constitutional requirements.

Dr. NALINAKSHA SANYAL: But when a substantive identical motion is passed I cannot move my motion.

Mr. SPEAKER: I think it is for me to judge what is a substantive motion.

Dr. NALINAKSHA SANYAL: But unfortunately rule 39 does not give discretion to the Speaker.

Mr. SPEAKER: But what is an identical motion is for the Speaker to decide.

Dr. NALINAKSHA SANYAL: But the wording of this motion is identical to section 3 of the ordinance.

Mr. SPEAKER: Dr. Sanyal, why are you anxious to shut out your motion?

Dr. NALINAKSHA SANYAL: Government is anxious to shut out my motion.

Mr. SPEAKER: I give an open declaration on behalf of the House that even though this legislation is taken up that does not in any way stand in the way of the jute ordinance being discussed.

Dr. NALINAKSHA SANYAL: Or rather, would it not be better if the Hon'ble Minister concerned appoints a particular date, say to-morrow, for taking up jute ordinance as well as the Jute Regulation Bill. That will be saving the time of the House.

Mr. SPEAKER: I would certainly think of this but not your other point.

Clause 6.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 6, for sub-clauses (*2*) to (*8*), the following be substituted, namely:—

"(*2*) Each Committee shall consist of a Chairman and not more than six other members, of whom three shall be growers of jute within the area of the jurisdiction of the Committee.

(*3*) The Chairman and other members of the Committee shall be appointed by the Collector or by such servant of the Crown other than a Police-officer as may be authorized by the by the Collector by general or special order in this behalf.

(*4*) The Committee shall be subject to the control and supervision of the Collector and of any servant of the Crown authorized by the Collector by general or special order in this behalf.

(*5*) The Collector may, at any time and for reasons to be recorded by him in writing, dissolve a Committee, and may thereupon either cause a fresh Committee to be appointed or may, subject to the rules, authorized any servant of the Crown other than a Police-officer to perform all or any of the functions of the Committee.

(*6*) The Collector may, at any time and for reasons to be recorded by him in writing, cancel the appointment of the Chairman or any other member of the Committee, and shall thereupon cause to be appointed a fresh Chairman or a fresh member as the may be."

and that sub-clauses (*9*) and (*10*) be renumbered as sub-clauses (*7*) and (*8*).

Sir, my amendment speaks for itself. The amendment indicates how the committees will be constituted. This will simplify the whole matter, and I think it will be increasing the difficulties of the situation if any election is sought to be resorted to in constituting these committees. I think, Sir, my amendment will be acceptable to the House.

Mr. ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to oppose the amendment moved by the Hon'ble Mr. Tamizuddin Khan, i.e., amendment No. 77. It will appear that this amendment seeks to give absolute power to the Collector to appoint majority of members in all the committees. The Select Committee report says that each committee constituted after the year 1940 shall consist of 7 members of whom 3 shall be elected by the members of the union board and the

remaining 4 shall be elected by growers of jute within the union. This salutary provision is being taken away by the amendment moved by the Hon'ble Mr. Tamizuddin Khan. The Collector is given absolute power and as I submitted when I last opposed the Bill that the Collector will be another Tzar in his own jurisdiction. Therefore, I submit that if this amendment is accepted it will be prejudicial to the interests of the growers.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, will you not take up the other amendments under this clause? I have an amendment of my own, and I want to speak on that amendment.

Mr. SPEAKER: You can speak on this amendment of the Hon'ble Minister because if this amendment is carried others will fail.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I oppose amendment No. 77 just moved by the Hon'ble Mr. Tamizuddin Khan. Sir, as a member of the Jute Enquiry Committee I had toured many districts and wherever I had accosted the jute-growers they were pleased to know that Government was going to introduce a legislation for regulating the production of jute, but they requested us to see that the allocation of the quotas should be left to the representatives of the jute-growers of the particular area where a committee should be constituted, that is, the members of that committee should be elected by them. And they went so far as to request us to put up before Government that every village should have an elected representative so that their interests may be safe in the hands of the committee. If Government instead of allowing the jute-growers to send their own representatives to the committee through election appoint members for making allotments of lands to the respective jute-growers, I am also afraid the interests of the jute-growers will suffer. That is the reason why I tabled by amendment. In opposing the amendment of the Hon'ble Mr. Tamizuddin Khan I want to warn him that his amendment is not going to be liked by the jute-growers themselves in whose interests the Regulation Bill is alleged to have been brought.

The jute-growers want their own men to be in the committee through election to be made by them. If that is their intention, why should Government press for their amendment No. 77? If the Hon'ble Mr. Tamizuddin Khan has any doubts that the jute-growers want their own elected representatives on the committee, then I would ask him to make an enquiry within a short time through the union boards whether the jute-growers want their own elected representatives in the committee or they like a committee to be thrust upon them. With these words, Sir, I oppose this motion.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, I did not want to take part in the debate but I find that this is a very important factor. I do not understand why the Hon'ble Mr. Tamizuddin Khan has given the go-by to the very best solution that was arrived at by the Select Committee. I can quite understand that so far as the committee that is to be appointed in 1940, that committee has got to be appointed by the Collector. But so far as the committees which will be formed after 1940—from 1941 thereafter—I do not understand why the Collector should be given the power to appoint either the Chairman or the other members of the committee. This is a very important factor. We know that union boards have been formed in this province, and with the growth of Provincial Autonomy we want to give greater powers to the people, and the growers of jute and other people should have their own representatives on the committee. Am I to understand, Sir, that the Collector, whoever he might be, will be the best guardian to protect the growers of jute? I fail to understand why the Hon'ble Mr Tamizuddin Khan should have taken recourse to moving a motion before the House to alter the decision that was arrived at by the Select Committee. I find that in the Select Committee draft it is stated in sub-clause (2) of clause 6: "Each committee constituted in the year 1940 shall consist of seven members appointed by the Collector or by such servant of the Crown other than a police officer as may, subject to the rules, be authorised by the Collector by general or special order in this behalf; and of the seven members so appointed, three shall be members of the union board, and the remaining four shall be growers of jute within the union."

Then lower down in sub-clause (4) it is stated: "Each committee constituted after the year 1940 shall consist of seven members, of whom three shall be elected by the members of the union board and the remaining four shall be elected by growers of jute within the union."

I can very well understand that the question must hinge on this, namely, whether the members who will be elected—three and four; these seven members—whether they will elect the Chairman from amongst themselves. Whether the Chairman will be appointed by the Collector or the Chairman will be elected by the seven members from amongst themselves—that is a point on which some sort of wisdom should have been given to the House by the Hon'ble Minister I do not understand why the right of election has been taken away either from the members of the union boards or the growers of jute, and the Chairman has been thrust upon the members of the committee, whether they are growers of jute or members of the union boards. I cannot visualise more dangerous things than this. I do not know what led my friend—whether the Coalition Party did it, or the Hon'ble Mr. Tamizuddin Khan did it, I do not know—but if this is allowed to pass I fear that there will be an end of everything either of Provincial Autonomy or the power

that has been given to the people. My friend says: "We do not want to give the power of election to growers of jute". Does he apprehend that they will cut their own throats? If they do so, let them do it. Either Europeans or others—they or any other people—if they think that they are the guardians of growers of jute, I do not understand, Sir, why this should be made the occasion when we should take things in that light. Growers of jute will select the best men from amongst themselves, and it is they alone who can decide who is the best man to be appointed as Chairman. I therefore believe, Sir, that a great wrong has been done to the Select Committee and to the intelligence of the members of the Select Committee, and it is going back on the system that has been followed under the Provincial Autonomy scheme. I am appealing to my friends of the Coalition Party through you, Sir, that they should reconsider this matter. It does not matter whether this motion has been brought forward by the Hon'ble Mr. Tamizuddin Khan. There is yet time; steps may yet be retraced, and I am warning him of the danger that he is putting forward by bringing in this amendment. I hope, Sir, that the Hon'ble Minister will be well advised to withdraw the amendment and see that the Select Committee's decision is carried through in this House. With these words, Sir, I oppose the motion.

Mr. SPEAKER: 6-3 p.m. is the prayer time. So, it is no use asking another member to speak now.

(At this stage the House was adjourned for twenty minutes.)

After adjournment.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, This is a motion which ought to be opposed by all members of this House whether they belong to the Congress Group, the Krishak-Praja Group, the Coalition Group or to the European Group. As a matter of fact, the minute of dissent by the Hon'ble Mr. Tamizuddin Khan with regard to this clause is this. He has stated: "Considering the very limited functions of the Union Jute Committees, the proposed methods of constitution by election are both expensive and dilatory. The clause as originally drafted is preferable and should stand." With regard to the constitution of the committee that will be constituted in the year 1940 it can be contended that if the system of election be introduced in consituting that commtitee in 1940 it will be dilatory, but with regard to the constitution of the committee that will be constituted after 1940 the system cannot be said to be dilatory. With regard to the argument that the system of election will be expensive, and if as a matter of fact on the ground of expense this system is done away with, then

we can as well say that this House, the election of this Bengal Legislative Assembly, this form of Government should also be done away with because the method of election has no doubt been more expensive than what it was before 1937. Are you therefore on this ground going to say that the method of election for this Legislature also should be done away with? As a matter of fact when I go through the minute of dissent it appears that members of the Coalition Group have submitted a minute of dissent, but still they are unanimous with regard to the constitution of the committee and have not asked that the system of election should be done away with. I for myself do not understand what has happened in the meantime. Certainly nothing has happened in the meantime by which they can say that they have found reasons for changing their views. Even with regard to the minute of dissent of the European members, you will find, Sir, that as regards clause 6 even they did not want that this system of election should be done away with altogether. Their view is that out of 7 members constituting the committee, 4 should be elected by the members of the union board of whom not less than 2 should be non-members and growers of jute, and other 3 should be appointed by the Collector, of whom at least 2 shall be from among the jute-growers within the union. Therefore, it is quite clear that their idea was that the system of election should not be altogether done away with but that out of 7 members, 4 should be elected by the union board and 3 appointed by the Collector. Sir, here we find that all the 7 members are sought to be appointed by the Collector. But, Sir, who is that Collector? If you look at the definition of the "Collector" in this Bill, you will find that the "Collector" means the Collector of a district and includes any servant of the Crown other than a police officer appointed by the Provincial Government to exercise all or any of the functions of the Collector under this Act. So, Sir, the Collector may be a Sub-Registrar, or the Collector may be a Sub-Deputy Magistrate, but invariably the Collector will be the Circle Officers and Special Officers appointed under the Debt Settlement Act. The people in the union board areas have been accustomed to elections and election in the villages is going on for a very pretty long time. We have found that members elected by the union boards are responsible to the people, and if as a matter of fact, the members of the Union Jute Committee be elected by the people of the locality then they would be bound to be responsible to them, but, Sir, in case of members appointed by Government, to the union boards, we have found that they do not care for the interests of the people of the locality. They pander to the wishes and whims of the Circle Officers who, in fact, appoint them. If therefore members of the Union Jute Committee be appointed by Circle Officers, I am quite sure that they will not look to the interests of the jute-growers of the locality but would try to please the Circle Officers, their appointing officers. Those who live in the mufassil know that members of

the union boards as well as members of the Debt Settlement Boards especially those who are elected by the people, are better sort of people than those appointed by Government to the Debt Settlement Boards. It is useless to conceal that. It is a matter of great shame and we ought to hang down our heads in shame, because members appointed by Government to the Debt Settlement Boards have been found to be corrupt and as a matter of fact if the Union Jute Committee be appointed by Government, then I am quite sure that they also would be found to be corrupt. It has been contended by the Hon'ble Mr. Tamizuddin Khan that the functions of the Union Jute Committee will not be many or heavy. If we look at the Bill itself we shall find, as a matter of fact, that the functions of the committee are not limited but are wide and unlimited, because they would have to determine on what lines jute should be grown. They are to be the determining body, although the Act provides for an appeal. But the fact is that it is the Union Jute Committee that will have to initiate and determine the lines on which jute can be and will be grown. If, as a matter of fact, we look to the Bill itself it cannot therefore be contended that the powers of this committee will be limited. As a matter of fact they are quite wide. So I wish, and as, as a matter of fact, the members of the Coalition Group also wanted, that these members should be elected by the jute-growers themselves, can you, Mr. Speaker, conceive that the jute-growers in electing members to the Union Jute Committee will not be the best men to the committee when they find that the persons whom they elect will be responsible to them and will discharge their duty to the satisfaction of their own constituency? But the persons who will be appointed by Government will not be responsible to the people, they will not try to look to the interests of the jute-growers but will rather pander to the wishes and whims of the Circle Officers. The Circle Officers will come to their locality and will as a matter of fact direct them to act according to their instructions; it is also useless to disguise the fact that these appointments will have a political complexion, and as a matter of fact the persons who belong to the Coalition Group or to any other Ministerial Group, for instance to the Muslim League, if I say so, Mr. Speaker, will be appointed, and no person belonging to any other political party will have any chance. Therefore, Sir, as this matter is one which vitally affects the interests of Bengal, and especially of the jute-growers in the Eastern Bengal districts, I submit that members should be appointed to these committees irrespective of party labels. Therefore, I oppose the motion of the Hon'ble Minister and support the Select Committee's recommendation.

Mr. CHARU CHANDRA ROY: মাননীয় Speaker মহোদয়, এই বিষয় নিয়ে একটা বিতর্ক উঠতে পারে এটা আমার ধারণার ভিতর ছিল না। যাঁরা পাট তদন্ত

কমিটির প্রতিনিধি ছিলেন তাঁরা সকলেই জানেন মফঃস্বলে তাঁরা যখন সাক্ষী সংগ্রহ কোর্তে গিয়েছিলেন (দুর্ভাগ্যক্রমে সেখানে সাক্ষীরা কি বোলেছিলেন তা দেখাবার উপায় আমার নাই কারণ পাট তদন্ত কমিটির রিপোর্টের দ্বিতীয়-ভাগ গভর্ণমেন্ট আজও আমাদিগকে দেন নাই) তখন সবাই বোলেছিলেন যে যদি চাষীদের ভিতর থেকে প্রতিনিধি নিয়ে কমিটি তৈয়ারী হয় তবে পাট নিয়ন্ত্রণ সম্বন্ধে সুব্যবস্থা হোলেও হোতে পারে। আমি একটা জিনিষ দেখতে পেয়েছি Finlow Committee Report এ সেখানে শ্রীযুক্ত গুরুসদয় দত্ত মহাশয় বোলেছিলেন যদি পাট-চাষীদের ভেতর থেকে তাদের প্রতিনিধি পাট-চাষ নিয়ন্ত্রণের চেষ্টা করে তবেই পাট-চাষ নিয়ন্ত্রিত হোতে পারে। এবং বর্ত্তমান Enquiry কমিটির Report এও ঠিক এই কথা আছে যে পাট-চাষ নিয়ন্ত্রিত কোর্ত্তে গেলে যে Committee গঠিত হবে তা পাট-চাষীদের প্রতিনিধির দ্বারাই হওয়া উচিৎ। কিন্তু যখন পাট-চাষ নিয়ন্ত্রণ বিল উপস্থাপিত করা হোল তখন দেখা গেল যে গভর্ণমেন্টের চিরাচরিত প্রথা অনুসারে যেমন সমস্ত বিভাগ নিজেদের করায়ত্ত কোর্ত্তে চান ঠিক সেই-ভাবে তারা nomination এর ভিতর দিয়ে এই Committee গুলিকেও নিজেদের করায়ত্ত কোর্ত্তে চাইছেন। এই মনোনয়নের প্রথায় আমরা দেখতে পাই Municipality, Local Board এবং Union Board এ যে সব লোক নির্ব্বাচিত হন—

A member of Coalition Party: তাঁহারা প্রত্যেকেই খারাপ লোক।

Mr. CHARU CHANDRA ROY: তাঁহারা খারাপ হউন বা ভালই হউন তাঁহারা জনসাধারণের প্রতিনিধিস্থানীয় লোক নন এ-কথা বলা যেতে পারে। দেখা যায় তাঁরা Government Officer দের সঙ্গেই মেলামেশা করেন, জনসাধারণের সঙ্গে এঁদের মিল নেই। তাঁরা সব সময়েই চেষ্টা করেন সরকার বাহাদুরকে সন্তুষ্ট রাখতে যাতে এই nomination টা হাত ছাড়া হোয়ে না যায়। আর একটা জিনিষ দেখতে পাওয়া যায় এই মনোনয়ন প্রথার ভিতর যারা নির্ব্বাচনে হেরে যান তাঁরা অনেক ক্ষেত্রে গভর্ণমেন্ট কর্ত্তৃক মনোনীত হন। এবার গভর্ণমেন্টের Central Jute Committee তে যে প্রথায় মনোনয়ন কোরেছেন তাহা একটা দৃষ্টান্তস্বরূপ বটে। মনোনয়ন প্রথা মানুষ কেনার অপচেষ্টা। আমরা বহুদিন হইতে ইহার প্রতিবাদ করিয়া আসিতেছি। মনোনয়নে দেখা যায়—যেখানেই হউক সরকার-বিরোধী এই এসেম্বলীর কোন সদস্য মনোনীত হয়েন না। এই পাট-চাষের উপর বাংলার সর্ব্বহারা কৃষকদের জীবন-মরণ নির্ভর করে। আমরা বহুদিন চেঁচামেচি করার পর যদিও বা গভর্ণমেন্ট অনুগ্রহ কোরে এ সম্বন্ধে একটা Bill আনলেন কিন্তু সেই বিলকে কার্য্যকরী করবার ভার দিলেন নিজেদের মনোনীত ব্যাক্তিদের উপর।

স্বতঃই মনে প্রশ্ন উঠে এই মনোনীত ব্যাক্তিদের দ্বারা Committee গঠনের উদ্দেশ্য কি? Select Committee তে nominated ব্যক্তির দ্বারা Committee গঠনের ব্যবস্থা কেবল ১৯৪০ সনের জন্যই করবার কথা হোয়েছিল। অবশ্য আমি সেই Select Committee র member ছিলাম সুতরাং ভেতরের কথা বলবার অধিকার আমার নেই।

একটা জিনিষ এখানে উল্লেখ করা যেতে পারে। এই বিলের Select Committee তে ঠিক হয়েছিল যে ১৯৪০ সনে election হোতে পারে না অতএব সেই বৎসর মনোনয়নের দ্বারা Committee স্থির করা হবে কিন্তু তারপরে যে Committee গঠিত হবে তাহা জনসাধারণের প্রতিনিধিদের দ্বারা হবে। অন্ততঃপক্ষে পাট-চাষীদের প্রতিনিধিদের দ্বারা। কিন্তু হঠাৎ গভর্ণমেন্টের এমন কি যে হোল বুঝতে পারি না যে তাঁরা প্রতিনিধিত্ব ত্যাগ

কোরে মনোনয়নের পন্থা গ্রহণ কোরলেন। যদি কেউ বলেন যে শ্বেতাঙ্গ-প্রভুদের সন্তুষ্ট করবার জন্য Committee তৈয়ারী হচ্ছে তাতে আশ্চর্য্য হবার কিছু নেই। তাই আজ আমার বন্ধুদের কাছে বলি যে পাট-চাষীদের সঙ্ঘবদ্ধ কোরে তাদের আর্থিক সমস্যার উন্নতির ব্যবস্থা করুন। আর এই যে মনোনয়ন প্রথা যার বিষ বাংলার প্রত্যেক রন্ধ্রে-রন্ধ্রে ঢুকে গেছে তা রোধ করবার চেষ্টা করুন। আর পাট-চাষ নিয়ন্ত্রণ এমনি ভাবে করুন যাতে বাংলার চাষীর আর্থিক অবস্থার উন্নতি হয় এই আপনাদের কাছে আমার নিবেদন।

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I shall be very brief in my reply——

Mr. SIBNATH BANERJEE: Sir, I have something to say and, therefore, I would like to be allowed to speak on the subject.

Mr. SPEAKER: No.

Mr. SYED JALALUDDIN HASHEMY: Sir, I also want to speak. If you cannot allow us to speak just now, would you give us some time after the Hon'ble Minister has spoken?

Mr. SPEAKER: I am sorry. The Leader of that section spoke first, and then Mr. Biswas wanted to stand, but he did not. I did not see any other member rising. Therefore, I have called the Hon'ble Minister. It is no use now.

Mr. SIBNATH BANERJEE: I strongly urge upon the Speaker to allow me to speak.

Mr. SPEAKER: I want to know at what time you want to close—at 7 p.m.?

Mr. SASANKA SEKHAR SANYAL: May I suggest 7-30 p.m.?

Mr. SPEAKER: I hope you will be reasonable. I had no list of speakers before me and I did not see anybody rising in his seat. Personally in fairness to every one, as the Labour view has not been represented, I shall allow Mr. Banerjee.

Mr. SYED JALALUDDIN HASHEMY: May I submit that you may kindly allow fifteen minutes to this side and fifteen minutes to the other side?

Mr. SPEAKER: I am sorry. I cannot do that.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, this provision is really the acid test that could be applied to the intentions of Government. From the very beginning we have been apprehensive that

the real intentions of Government are not what they have announced. It is not really regulation and giving better price to the growers of jute, but only to satisfy the European members that something is being done. A show of regulation and restriction and giving better price to the cultivators has been staged in this House. This provision of appointing Union Jute Committees, shows that the Government's intentions are to utilize fully this Bill to further strengthen their position as has been very clearly exposed by my friend Mr. Dutta. I do not know, I was just feeling, whether to congratulate the Minister or to condemn him, because I can tell this House that the talk of civil disobedience is already in the air. If the Government persist in this measure, it will come in very handy for those who want to start civil disobedience, and even those persons who are not so inclined themselves will take the initiative and spontaneously civil disobedience will start on this issue alone. So I would like to warn the Government not to go headlong with this measure, and even now would ask them to withdraw the proposal they have made.

Mr. SYED JALALUDDIN HASHEMY: Sir, for some time past I have been cultivating the habit of avoiding controversy in this House. But to-day of all days the Hon'ble Mr. Tamizuddin Khan has compelled me to go against my own principle. Sir, it is amusing firstly, secondly it is surprising and thirdly it is disappointing, that of all persons the Hon'ble Mr. Tamizuddin Khan should suggest such an absurd committee for the benefit of the jute-growers of Bengal. Not very long ago this Mr. Tamizuddin Khan—now the Hon'ble Mr. Tamizuddin Khan—witlh his usual eloquence opposed this system of appointment in local bodies. I do not understand what has happened in the meantime that he has changed colour and has suggested that a committee consisting of seven members having a clear majority including the District Magistrate should be appointed for the benefit of the jute-growers of Bengal. Sir, I should appeal to the Hon'ble Mr. Tamizuddin Khan to be a businessman. Either let him say straight that the Collector of the district should be the sole representative, the sole agent of the cultivators of the district—of the whole province of Bengal, or let him frame a real representative committee. Sir, we have got very bitter experience of these committees appointed by the Collector. It has been mentioned by some of our friends that the members of Debt Settlement Boards, appointed by Collectors, are not doing proper work. I can say, Sir, from my personal experience that in my part of the district, members of the Debt Settlement Board appointed by the Government are an absolutely dishonest set of people (cries of "hear," "hear" from the Opposition Benches). With regard to the young civilians who are now at the helm of the administration of districts, Sir, all I can say is that they have got no initiative, no idea and no brain at all. They follow

certain routine duties and these young civilians are going to be the guardians of the cultivators—the jute-growers of Bengal! Not only this side of the House, but I am absolutely sure that the members on the other side of the House also have no faith in these young I.C.S. people. We resent and very strongly resent this state of things. If a committee is to be appointed it should be a properly representative committee It is absurd to suggest that these persons should be appointed by the Collector and they should suggest ways and means for the improvement of jute cultivation in Bengal. If that is so, what these young civilians had been doing so long? If they had been of any use for these cultivators, they could so long have done good work, better work, for the improvement of jute cultivation in Bengal. Sir, I will finish after giving one more instance. I ask the Hon'ble Mr. Tamizuddin Khan to pause and consider what the young persons, who have been recently appointed to take census of the jute-growing lands of Bengal, have done. Have they taken correct measurements of the lands? Have they submitted correct reports to Government? Sir, from my experience, I can say that even the reports that were given by chowkidars of union boards were far better than the reports submitted by these young persons who have been recently appointed by Government and I am afraid, 7 lakhs of rupees has been mis-spent for this purpose. In my part of the subdivision, I can say definitely that not a single man had any occasion to go to any village. They sat and sat tightly in the subdivisional town and by exercising their strong imagination, they collected figures from the reports of Circle Officers and other people and on the basis of these figures, Government are going to regulate the growing of jute in Bengal.

Sir, with regard to members to be appointed by Government, the members of this House may remember that the Hon'ble Mr. Tamizuddin Khan on one occasion opposed this system of appointment by Government, and, I am sure, good sense will prevail in him to-day. I am also sure that by accepting office, Mr. Tamizuddin Khan has not lost his sense of fairness and justice to himself and to the cultivators of Bengal. He would, I hope, have courage, though in office now, though surrounded by people of different temperaments and different complexions, to rise to the occasion and I hope, in his reply he will suggest the withdrawal of this clause. (Cries of "hear", "hear" from the Opposition Benches.) I appeal to him once more to withdraw this clause. In the past he was a friend of the poor and it is proverbial that Mr. Tamizuddin Khan was a real friend of the poor, a friend of the cultivators. If the serious poison of office has for the time being affected his brain, I know, he is a man who will stand up for the cause of the poor cultivators as he has got courage of conviction. I am perfectly certain that in spite of the decision of the Cabinet, he will to-day show courage and withdraw his amendment

and give full liberty to the jute-growers of Bengal to choose their own representatives whose suggestions will be the final decision of the jute-growers of Bengal. Sir, with these words, I oppose the motion moved by the Hon'ble Mr. Tamizuddin Khan.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am rather surprised at the eloquence of my honourable friends in speaking on a simple motion like this. They have all waxed eloquent on the merits of the elective system. But I think, there is some misapprehension and confusion of thought as to where the elective system should appropriately be applied. Certainly we do not elect our executive officers, our District Magistrates, our Subdivisional Officers and all the other executive officers. They are never elected for the simple reason that they have to do certain executive functions. Here also, Sir, what will these committees do? These committees will perform some very simple executive functions. Mr. Dhirendra Nath Datta said that they would not look to the interests of the growers and Mr. Sibnath Banerjee supplemented him by saying that Government will utilise these committees for further consolidating their position. Sir, these are statements incomprehensible to me. I was going to say—what will be the function of these committees? These committees will simply allocate the plots to be sown upon by growers and according to what? The grower will have his record and if there is to be, say, a 4-annas reduction and if that grower grew on 16 bighas in the previous year, the committee will allot 12 bighas to him. The Committee will have no discretion. Everything will be settled by Government. What will be the extent of reduction or inflation in any particular year will be decided by Government and the committee will perform a mere mechanical duty.

Again, Sir, there is an appeal against the order of the Committee to the Collector and, therefore, I do not understand how these committees can act against the interests of the jute-growers. Sir, I am not against the elective principle where elective principle is properly applicable and where it is profitable, but here why undergo all the expenses of preparing electoral rolls of the jute-growers of the constituency and then also probably divide the area of the union boards into several wards and allot a number of members to each ward and do all these things for what? For the election of persons who will probably sit for a short time during a particular part of the year only for the purpose I have already stated. Sir, is it worth while to go through all the complicated procedure of an election and also to saddle the jute-growers themselves with unnecessary expenditure?

Because whatever money is spent throughout the length and breadth of Bengal for arranging these elections will ultimately come out of the pocket of the cultivators——

Mr. SASANKA SEKHAR SANYAL: On a point of information, Sir. Will the Hon'ble Minister please explain why these functions cannot be done by the existing union boards?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am surprised to see that my friend never thought of tabling a motion like that.

Mr. M. SHAMSUDDIN AHMED: Government in its wisdom could have done that.

The Hon'ble Mr. TAMIZUDDIN Khan: It does occur to him off-hand just now. That itself shows the value of his suggestion. But I should like to say this, Sir, that if I am talking to members who have some experience of rural Bengal, not to members who live only in cities and know nothing about the state of affairs prevailing in rural Bengal, those who know all the conditions prevailing in rural Bengal very well know that the elections to union boards sometimes end in failure and very often the budget meetings of union boards fail for want of quorum and then Government or the Circle Officers have to interfere. They should also know that this duty of allocating the plots will have to be done within a short time. Very often when the sowing season is coming there may be occasions when everything will have to be done within a few days. Supposing the union board's own house is out of order at that time. At that time everything will end in failure if this duty is entrusted to the union boards. There are so many other things——

Babu NARENDRA NARAYAN CHAKRABARTY: আমি মন্ত্রীমহাশয়কে জিজ্ঞাসা করিতেছি যে, তিনি কি বলিতে চান যে, নির্বাচন প্রথানুসারে Committee form হইলে সেই Committee কাজ চালাইতে সক্ষম হইবে না?

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to submit, Sir, that if an election could be arranged it is quite possible that the committee will also be able to do the function quite as well, but I have already pointed out that it is absolutely unnecessary to undergo all that trouble and expense. (Mr. SASANKA SEKHAR SANYAL: A most unconvincing reply.) Yes, no reply from this side will ever convince that side, I am sure of that, because I cannot supply my friends with reason.

(At this stage there was great uproar from Opposition Benches.)

Mr. SPEAKER: I am afraid it is becoming too much. There is a limit to everything.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, may I ask my friend very humbly to reply why this paraphernalia of so many Ministers. One Minister could have done everything.

Mr. SPEAKER: I think that is wholly irrelevant.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have only one word more to say. These committees will never be deliberative bodies. They will pass no laws; they will come to no important decisions; nothing of the kind. They will only perform certain very simple mechanical duties. Then, Sir, my last word to the House is this. Let this motion stand as it is. If in actual working it is found that there is any serious defect, the whole thing may be amended by a short amending Act later on. I would, therefore, submit that this amendment should be accepted by the House.

The motion of the Hon'ble Mr. Tamizuddin Khan that in clause 6, for sub-clauses (2) to (8), the following be substituted, namely:—

"(2) Each Committee shall consist of a Chairman and not more than six other members, of whom three shall be growers of jute within the area of the jurisdiction of the Committee.

(3) The Chairman and other members of the Committee shall be appointed by the Collector or by such servant of the Crown other than a Police-officer as may be authorized by the Collector by general or special order in this behalf.

(4) The Committee shall be subject to the control and supervision of the Collector and of any servant of the Crown authorized by the Collector by general or special order in this behalf.

(5) The Collector may, at any time and for reasons to be recorded by him in writing, dissolve a Committee, and may thereupon either cause a fresh Committee to be appointed or may, subject to the rules, authorize any servant of the Crown other than a Police-officer to perform all or any of the functions of the Committee.

(6) The Collector may, at any time and for reasons to be recorded by him in writing, cancel the appointment of the Chairman or any other member of the Committee, and shall thereupon cause to be appointed a fresh Chairman or a fresh member as the case may be.";

and that sub-clauses (*9*) and (*10*) be renumbered as sub-clauses (*7*) and (*8*), was then put, and a division taken with the following result:—

AYES—108.

Abdul Aziz, ...S.
Abdul Haiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A.F.M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiud Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Brown, Mr. A. O.
Clark, I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Das, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. F. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Henry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kaman Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C. I. E.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Isaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, the Hon'ble Sir, Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sirajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed, Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.

NOES—65.

Abdul Jabbar Pulwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Afzal Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.

Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Ranik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kundu, Mr. Nishitha Nath.
Maiti, Mr Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher, Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Wallur Rahman, Maulvi.

The Ayes being 108 and the Noes 65, the motion was carried.

Mr. SPEAKER: That means that all amendments after No. 77 up to No. 125 fall through; practically the House has carried sub-clauses (*9*) and (*10*) of clause 6.

Babu PREMHARI BARMA: Sir, there is amendment No. 126 standing in my name I want to move it.

Mr. SPEAKER: But the difficulty is that the language of the previous amendment means that sub-clauses (*9*) and (*10*) are renumbered as sub-clauses (*7*) and (*8*).

Mr. SURENDRA NATH BISWAS: Sir, those sub-clauses are outside the amendment.

Mr. SPEAKER: I see; these sub-clauses cannot be said to be carried. Only the numbers are changed. Anyway I will stretch a point. Yes, Mr. Barma, you can move your amendment.

Babu PREMHARI BARMA: Sir, I beg to move that clause 6(*9*) be omitted.

Sir, this clause provides that in any area if a Union Jute Committee has not been formed then the Provincial Government shall

appoint any servant of the Crown other than a police officer to perform the functions of such a committee. But, Sir, I do not know why a Union Jute Committee should not be formed in any area. If this clause remains then Government will not care to form a Union Jute Committee in any area. So I hope that this clause should be omitted and I think that in every area a Union Jute Committee should be formed, and it should not be left to the discretion of Government whether a Jute Committee should be formed or not in any special area.

I also beg to move that in clause 6(*1*), line 3, after the word "prescribed" the words "by rules made with the approval of the Legislature" be added.

Sir, the power should not be given to Government to frame rules abosolutely and it is desirable that rules should be made with the approval of the Legislature. Unfettered power should not be given to the Cabinet of the Government to make rules. The less is the power given to them the better.

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, Sir, amendment No. 129 of Mr. Charu Chandra Roy is not in order because the committee is no longer going to be constituted under sub-clause (*4*) of clause 6.

Mr. SPEAKER: But there should be some clause about the tenure of the members.

Perhaps it will be better if the amendment were worded in this way, namely, that the committee constituted under this section shall continue for 4 years from the time of its first sitting.

Mr. CHARU CHANDRA ROY: All right, Sir, I shall move accordingly.

I beg to move that after clause 6(*10*) the following new sub-clause be added, namely:—

"(*11*) The committee constituted under this section shall subject to the provisions of sub-sections (*4*), (*5*) and (*6*) continue for 4 years from the time of their first sitting."

Mr. SURENDRA NATH BISWAS: Sir, I support Mr. Premhari Barma's amendment No. 126, but oppose his motion No. 128. I also support Mr. Charu Chandra Roy's amendment No. 129.

Sir, in supporting amendment No. 126 of Mr. Barma, I would like to draw the attention of the Hon'ble Minister to the difficulties which one person will have to face in discharging the duties and responsibilities which under this Act shall have been imposed upon a Union Jute Committee. Sir, the task that will be given to a Union Jute Committee

is a stupendous one, because in any area which shall be the jurisdiction of a committee there would be thousands and thousands of jute-growers, and thousands and thousands of jute-growers will have their records placed before the allocating authority and that allocating authority will have to look into all the records. Besides, if Government further directs that the cultivation of jute in any particular area shall be restricted or increased, then it will be a very big task for such committee to perform. While that is so, it will be an impossible task for one man to do all the things that will be quite heavy for a committee to do. So I suggest, Sir, that Government, before arranging for allocation of the quotas should see that every unit of area constituted for that purpose gets a committee. Unless this is done, I am afraid that the regulation that is intended to be done under this Act will not be possible in the area where no committee will be formed. Secondly, Sir, in supporting amendment No. 129 I press for a time-limit ——

Mr. SPEAKER: Mr. Biswas, I think No 129 is not in order, because there is no time-limit.

Mr. SURENDRA NATH BISWAS: Sir, there should be a time-limit——

Mr. SPEAKER: I quite understand your point, but the difficulty is that Government, and the House has already, at the instance of Government, accepted the view that the Collector at any time may dissolve a committee.

Mr. SURENDRA NATH BISWAS: Apparently, Sir, that power is given to the Collector to exercise in emergency cases. What we want to emphasise is this: that we do not expect the Collector to exercise that power of dissolving a committee in ordinary circumstances. Only in cases where the Collector finds that the committee is not functioning properly that he shall interfere.

Mr. SPEAKER: Even within 4 days?

Mr. SURENDRA NATH BISWAS: Yes, Sir, even within 4 days.

Mr. SPEAKER: But this draft as amended shows that the committees will continue even if they misuse their power. That is the defect of amendment No. 129, and I think therefore that the amendment may be worded as follows: The Committee constituted under this section shall, subject to the provisions of sub-clauses *(4)*, *(5)* and *(6)*, continue for 4 years from the date of their first sitting.

Mr. SURENDRA NATH BISWAS: Then, Sir, if you will kindly allow me to move with the consent of Mr. Roy an amendment on those lines I can move one. Then I beg to move that after clause 6(*10*) the following new sub-clause be added, namely, the committee constituted under this section shall, subject to the provisions of sub-sections (*4*), (*5*) and (*6*), continue for 4 years from the date of their first sitting. Our contention is that there should be a time-limit to the life of the committee. Suppose the Collector does not dissolve a committee. Are we to take it in that case that the committee will go on functioning for years and years? Sir, I have already warned the Hon'ble Minister, such committees will not be acceptable to the jute-growers, because I know it for a fact that the jute-growers want the committee to be elected by themselves. Although my warning has not been heeded to, I would now urge that a time-limit should be placed on the committee's term of office. Because thereby the jute-growers may be given some protection against the activities of a particular committee. Sir, in all laws relating to local bodies we find that there is a provision for a time-limit. So I do not see any reason why Government should not impose any time-limit upon such committees. I want to stress the importance of the functions of these committees. Although the Hon'ble Mr. Tamizuddin Khan has minimised the extent of the powers of such committees it appears to me that their powers are very wide, because allocation is not a small matter. A jute-grower may have ten plots of land on which he grew jute in a previous year, but in a particular year if his cultivation is restricted by, say, 25 per cent then the allocation will be restricted and the choice of the plots of land will be decided by the allocating body. I also submit, Sir, that the committee will also be a reporting authority. They will have the power to report that so and so jute-grower has broken so and so law and that so and so jute-grower has produced jute in an area in excess of that allotted to him. That would be the function of the committee if I have understood its function aright. When the powers of a committee are so great, I submit that Government should see its way to fix a time-limit for the life of the committee. Besides, it is not a new thing. As I have already stated the life of all local bodies has got a time-limit. From all points of view I submit that these committees also should have a time-limit to their term of office.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as amendment No. 126 is concerned I understand the difficulty of both of my honourable friends Mr. Prehari Barma and Mr. Surendra Nath Biswas in appreciating the Government proposal, because both of them come from two very heavy jute-growing districts and, therefore, Mr. Biswas thinks that it will be impossible for one man to discharge such heavy duties. That is so. But my friends forget that there are areas, particularly in Western Bengal, in which there is very little jute.

In large areas you will find only patches of jute here and there. In those areas it will be absolutely unnecessary to set up committees. In those places it may be necessary to include the areas usually included in several union boards into one compact area and appoint one officer for such an area. One officer will be easily able to manage the duties in such an area and it is the intention of Government to appoint officers in place of committees in cases like that. Some other cases may present themselves where officers may have to be appointed instead of committees. Therefore, I think that in this view amendment No. 126 will not be pressed. If it is pressed we shall oppose it.

As regards amendment No. 128, I think that my friend Mr. Biswas himself has opposed it. Sir, this is seldom done. It is not at all necessary to go through the complicated procedure of having the rules approved by both the Houses of the Legislature here. Therefore, I oppose that amendment.

As regards amendment No. 129, Sir, I cannot accept it as it stands But if you can find your way to leave it to be decided to-morrow I shall be obliged. In the meantime, I shall try to put up an alternative draft.

Mr. CHARU CHANDRA ROY: If the Hon'ble Minister accepts the principle of my amendment, I may request him to mention in his alternative draft less time than four years.

Mr. SPEAKER: Three years?

Mr. CHARU CHANDRA ROY: Two years or anything like that.

The motion of Babu Prembari Barma that clause 6(9) be omitted, was then put and lost.

The motion of Babu Prembari Barma that in clause 6(10), line 3, after the word "prescribed" the words "by rules made with the approval of the Legislature" be added, was then put and lost.

Mr. SPEAKER: So far as amendment No. 129 is concerned that subject is left open, and probably we might have to add another clause.

Clause 6A.

Mr. C. MORGAN: Sir, I beg to move that in clause 6A(2)(a), in line 1, for the words "enter and remain in" the words "for carrying out the purposes of this section enter" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as this amendment is concerned, the idea is acceptable to us. But I have to make the same request as I did in the case of the other amendment that I would require time to put up an alternative draft.

Mr. SPEAKER: Clause 6A is left over for the present.

Clause 6B.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that for clause 6B(*1*), the following be substituted, namely:—

"6B. (*1*) The Provincial Government shall constitute an Advisory Board which shall consist of—

(*a*) the Minister in charge of Agriculture, and

(*b*) eight members appointed by the Provincial Government according to rules framed by the same authority for the purpose and the Minister in charge of Agriculture shall be the Chairman of the Advisory Board."

Sir, my amendment is intended only to make the constitution of the Advisory Board both simple and effective. I have no doubt about it that if the Provincial Government is given the discretion to frame the rules, it will see to it that all the relevant interests are adequately represented in the Board. It is unnecessary and only cumbrous to provide for the representation of such interest in the Act itself. It is again, Sir, only fit and proper that the Advisory Board should not only include the Minister in charge of Agriculture but should also be presided over by him. It is unlikely that this Board would meet too frequently for the Minister to find time to guide its deliberations.

Mr. CHARU CHANDRA ROY: Sir, I beg to move that for paragraph (*c*) of sub-clause (*1*) of clause 6B, the following be substituted, namely:—

"(*c*) Nine members to be elected by the members of the Bengal Legislative Assembly and two members to be elected by the members of the Bengal Legislative Council, by the method of single transferable vote, to represent the jute-growers and the workers in the jute mills of Bengal."

Mr. C. MORGAN: Sir, I beg to move that in clause 6B(*1*)(*a*), line 2, after the word "Government" the words "who shall be an official" be inserted.

Sir, I beg also to move that for paragraph (*b*) of clause 6B(*1*), the following be substituted, namely:—

"(*b*) Four members appointed by the Provincial Government to represent respectively the manufacturers, *pucca* balers, *kutcha* balers and shippers of jute in Bengal, and."

Mr. MAQBUL HOSSAIN: Sir, I beg to move that in clause 6B(*1*)(*b*), line 1, for the word "three" the word "one" be substituted.

Babu PREMHARI BARMA: Sir, I beg to move that for clause 6B(*1*)(*c*), the following be substituted, namely:—

"(*c*) Ten members, two from each division, elected by the members of the Bengal Legislative Assembly, representing their respective divisions."

Sir I beg also to move that for clause 6B(*1*)(*c*), the following be substituted, namely:—

"(*c*) Five members, one from each division, elected by the respective members of the Bengal Legislative Assembly of each division."

Mr. NIKUNJA BEHARI MAITI: Sir, I beg to move that in clause 6B(*1*)(*c*) for the words "five members appointed by the Provincial Government to represent the growers of jute in Bengal" the words "five members—one from each division of the province—elected by the members of the Bengal Assembly from amongst themselves to represent the growers of jute in Bengal" be substituted.

Mr. MAQBUL HOSSAIN: Sir, I beg to move that in clause 6B(*1*)(*c*), line 1, for the words "five members appointed by the Provincial Government" the words "seven members elected by the members of the Bengal Legislative Assembly" be substituted.

Mr. RAMIZUDDIN AHMED: Sir, I beg to move that in clause 6B(*1*)(*c*), line 1, for the words "appointed by the Provincial Government" the words "elected by Legislative Assembly by means of single transferable vote" be substituted.

Babu PREMHARI BARMA: Sir, I beg to move that in clause 6B(*2*), in line 4, after the word "prescribed" the words "by rules made with the approval of the Legislature" be inserted.

Mr. C. MORGAN: Sir, I beg to move that after clause 6B(*2*), the following new sub-clause be added, namely:—

"(*3*) The Advisory Board shall have such functions and powers to compel attendance of witnesses and production of documents as may be prescribed."

Dr. NALINAKSHA SANYAL: Sir, may I request you to adjourn the House at this stage?

Mr. SPEAKER: I am glad, Dr. Sanyal, that you have reminded me of it just in time.

Adjournment.

It being 7-40 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 28th February, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 28th February, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 223 members.

STARRED QUESTIONS

(to which oral answers were given)

Construction of a bridge over the river Mathabhanga at Chuadanga.

*124. **Maulvi AFTAB HOSSAIN JOARDAR:** (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware of the construction of a bridge over the river Mathabhanga at Chuadanga (district Nadia) which was opened by His Excellency at Krishnagar?

(b) If so, will the Hon'ble Minister be pleased to state what steps have been taken to expedite the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I am afraid that I do not understand the honourable member's reference to the opening of the bridge by His Excellency. The bridge when constructed will carry the Meherpur-Chuadanga Road over the Mathabhanga; survey work is now proceeding on the road project and I hope that construction will soon begin, but I am not in a position to say when work on the bridge will be taken up.

Construction of Jhenida-Magura Road in Jessore.

*125. **Mr. RASIK LAL BISWAS:** (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(i) when has the construction of the Jhenida-Magura Road in the district of Jessore been taken up under the Road Development Scheme;

(*ii*) what is the amount that has been spent till the end of 1939;

(*iii*) what has been the progress of works on that road;

(*iv*) how long will it take to finish the construction of the road;

(*v*) what retards the progress of works of that road; and

(*vi*) what further amount will be necessary for the completion of the road?

(*b*) Is the Hon'ble Minister aware of the difficulties of the people of the locality—

(*i*) for the delay in completing the construction; and

(*ii*) for the absence of any diversion road for communication?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Work on the first section (7 3/8th miles) was begun by the Jessore District Board in 1932, and the Communications and Works Department took over the project in 1938.

(*ii*) Rs. 7,37 lakhs.

(*iii*) and (*iv*) The first section will be completed this year, and the second covering about 6½ miles probably in 1941-42. In accordance with the recommendation of the Provincial Board of Communications, the Government of India have been recently asked to sanction the remaining portion of about 3½ miles.

(*vi*) The estimated cost of the whole project is Rs 18,5 lakhs.

(*v*) and (*b*) I appreciate the difficulties, and regret that there has been some delay, which was partly due to the fact that fresh plans and estimates had to be prepared in order to provide for additional waterways shown to be necessary by the floods of 1934 and 1936.

Mr. RASIK LAL BISWAS: এই question এর ছাপানো উত্তরে দেখা যাচ্ছে ঐ ১৬ মাইল রাস্তা আরম্ভ হোয়েছে ১৯৩২ সালে আর এপর্যন্ত ৮ বছরে ৭ লক্ষ ৩৭ হাজার টাকা খরচ হোয়েছে, মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি সমস্ত রাস্তাটা শেষ হোতে কতদিন লাগবে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid it is not possible to give any idea of time, as we have taken up so many roads in other parts of the province.

Mr. RASIK LAL BISWAS: এই রাস্তাটা তাড়াতাড়ি শেষ করবার জন্য ডিপার্টমেন্ট থেকে কোন রকম বন্দোবস্ত হোয়েছে কি?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: My reply to (*iii*) and (*iv*) will show that we expect to finish the second section very probably in 1941-42.

Mr. RASIK LAL BISWAS: First section?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Well, I refer again to my reply to (*iii*) and (*iv*).

Trade Union Constituencies Tribunal.

***126. Mr. CHARU CHANDRA RAY:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the Registrar of Trade Unions and the Assistant Labour Commissioner attended the Trade Union Constituencies Tribunal on every day of sitting of the Tribunal?

(*b*) In what capacities did they attend?

(*c*) How many unions had applied for recognition this year under sub-paragraph (*2*) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936?

(*d*) The names of unions which received recognition under sub-paragraph (*2*)?

(*e*) Whether it is a fact that up to the 4th December, 1939, the Hon'ble Minister could not give any precise definition of *bona fide* Trade Unions in the Assembly?

MINISTER in charge of the COMMERCE and LABOUR and FINANCE DEPARTMENTS (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No, they attended only three sittings.

(*b*) The Registrar attended those sittings of the Tribunal in which objections against recognition were heard under rules 43A and 45 of the Bengal Legislative Assembly Electoral Rules and the Assistant Labour Commissioner attended to assist the Registrar.

(*c*) Sixty-one.

(*d*) A statement is laid on the table.

(*e*) The question is not understood.

Statement referred to in the reply to clause (d) of starred question No. 126.

(1) Calcutta Corporation Engineering Workers' Union, 35, Ismail Street, Entally.

(2) Indian Quarter Masters' Union, 21, Rajab Ali Lane.

(3) Calcutta Corporation Teachers' Union, 3-IB, Amherst Street, Calcutta.

(4) Bengal Chauffeurs' Union, 6, Old Post Office Street, Calcutta.

(5) Calcutta Corporation Jamadars', Peons' and Workers' Association, District Engineer III, Corporation Building, Hogg Street, Calcutta.

(6) All-Bengal Rickshaw Union, 57D, Chittaranjan Avenue, Calcutta.

(7) Calcutta Biri Union, 57D, Chittaranjan Avenue, Calcutta.

(8) Calcutta Chatta Karkhana Mazdoor Union, 170, Harrison Road, Calcutta.

(9) Calcutta Sramik Mondal, 170, Harrison Road, Calcutta.

(10) The Oriental Gas Workers' Union, 82, Narkeldanga North Road, Calcutta.

(11) Press Employees' Association, 249D, Bowbazar Street, Calcutta.

(12) Bata Shoe Factory Workers' Union, 220, Cornwallis Street, Calcutta.

(13) Iron and Steel Workers' Union, Bengal, 27B, Gangadhar Babu Lane, Calcutta.

(14) Calcutta Dockers' Union, 57D, Chittaranjan Avenue, Calcutta.

(15) Calcutta Corporation Employees' Association, Corporation Building, Hogg Street, Calcutta.

(16) Eastern Bengal Railway Employees' Association, 162, Bowbazar Street, Calcutta.

(17) Bengal Saloon Workers' Union, 57D, Chittaranjan Avenue, Calcutta.

(18) Indian Seamen's Union, 3, Hastings Street, Calcutta.

(19) Bengal Mariners' Union (with which the I.M. & W.U. is amalgamated), 1, Durgadas Lane, Kidderpore.

(20) East Indian Railway Workers' Union, 1, Kenderdine Lane, Calcutta

(21) Eastern Bengal Railway Workers' Union, 27-B, Gangadhar Babu Lane, Calcutta.

(22) Bengal-Nagpur Railway Indian Labour Union, Kharagpur.

(23) Textile Workers' Union, Kusthia, Nadia.

(24) Martin's Light Railways Workers' Union, 415, Bellilios Road, Howrah.

(25) Howrah Chabikal Sramik Union, Bargachia, P. O. Howrah.

(26) Rishra Serampore Jute Workers' Union, Champdany, P. O. Baidyabati.

(27) Shamnagar Cotton Mills Workers' Union, Garulia, 24-Parganas.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many meetings were held in all? It is stated in reply (*a*) that they attended only 3 meetings.

The Hon'ble Mr. H. S. SUHRAWARDY: The members of the Tribunal know that better than I do.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the Registrar of Trade Unions was entitled to raise any objection before the Tribunal as regards the recognition of any union?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, he was and he still is.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that the Registrar of Trade Unions and the Assistant Labour Commissioner raised objections regarding the unions whenever there was any office-bearer who had served imprisonment?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think, Sir, that they took any note of the personality of the office-bearers.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that the Registrar of Trade Unions raised objections only in the case of unions whose offices are outside 57D, Chittaranjan Avenue, Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know to what unions he raised objections, but I believe he raised objections to several unions.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that the Chairman of the Tribunal strongly criticised the Registrar of Trade Unions for raising such frivolous objections?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, that is not a fact.

Mr. SIBNATH BANERJEE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether it is a fact that on the 4th December, 1939, in reply to a question what is a *bona fide* trade union he could not give any definite reply and on that ground the Registrar of Trade Unions objected to the recognition of unions of which we are office-bearers?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that all the unions with offices at 57D, Chittaranjan Avenue, Calcutta, are controlled and regulated by the Labour Minister himself?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Registrar of Trade Unions did not raise any objection with reference to the unions which are affiliated to the Bengal Chamber of Labour?

Mr. SPEAKER: I am sorry it does not come within the scope of this question.

Mr. SIBNATH BANERJEE: It comes, Sir. The Registrar raised an objection which was considered frivolous and for which he was severely criticised by the Chairman of the Tribunal.

Mr. SPEAKER: This is a question of commission and not of omission.

Mr. SIBNATH BANERJEE: Commission and omission, both.

Protection of Mutawallis and Wakf Estates.

***127. Dr. SANAULLAH:** (*a*) Does the Hon'ble Minister in charge of the Education Department contemplate amendment of section 70 of the Bengal Wakf Act, 1934, to provide additional safeguards for the protection of Mutawallis and the Wakf Estates?

(*b*) If so, when?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The matter is under consideration.

Amendment of the Bengal Wakf Act, 1934.

***128. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is in the contemplation of Government to introduce any Bill to amend the present Wakf Act of 1934?

(*b*) If so, when is the Bill likely to be introduced in the Assembly?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) I hope to introduce a Bill shortly.

Mr. ABDUL HAFIZ MIRZA: Can we expect to have it next session?

The Hon'ble Mr. A. K. FAZLUL HUQ: The position is that a draft Bill has been sent to the Commissioner of Wakfs with a request that it may be placed before the Board of Wakfs. As soon as they have considered the Bill and sent their report, Government will consider the Bill, and if the Assembly is in session it will be introduced; otherwise it will be published in the "Calcutta Gazette."

Disafforestation in the district of Chittagong.

***129. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing, thana by thana and year by year, since 1st April, 1937, how many acres of reserved and protected forests have been disafforested in the district of Chittagong?

(*b*) Do the Government contemplate abolishing the grazing tax and taxes on other forest products required for domestic purposes of the poor villagers such as hemp (*san*), bamboo and dry fuels, etc., or at least reducing the rates thereof?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) A statement giving the required information is laid on the table.

(*b*) It has been decided that parts of the protected forest, which contain little or no forest, should be disafforested in order to provide grazing grounds for villages. A Committee will shortly be appointed to advise on the most suitable method of such provision. Free permits are being issued to poor cultivators for certain articles used for thatching. This does not include *san*-hemp which is not used for thatching. Persons taking out grazing permits are no longer required to take out dry fuel permits in addition. Further concessions than the above Government are not prepared to grant. As regards bamboos in particular it is considered essential in the interests of the people themselves that the remaining areas of bamboos should be conserved as far as possible. As regards fees for dry fuel the rates are moderate and great damage is done to the forests by persons collecting dry fuel.

Statement referred to in the reply to clause (a) of starred question No. 129.

AREAS OF RESERVED FORESTS DISAFFORESTED.

Thana.	Mauza.	Area in acres.
1937.		
Nil	Nil	Nil
1938.		
Nil	Nil	Nil
1939.		
Patiya	Purba Dhopachari	1,662·94
Fatikcheri	Badarkhil	2·44
Satkania	Farenga	4·50
	Jungle Barahatia	1·80

AREAS OF PROTECTED FORESTS DISAFFORESTED.

Thana.	Mauza.	Area in acres
1937.		
Teknaf	Madhya Nilla	1·81
Satkania	Jungle Madarsa	3·72
1938.		
Nil	Nil	Nil
1939.		
Taknaf	Uttarnhila	74·02
Banskhali	Jungle Napora	7·07
Ukhia	Ratnapalong	1·20
Ramoo	Kachhpia	5·79
Teknaf	Uttarnhila	0·60
Ramu	Dhalichhara	5·0
Cox's Bazar	Cox's Bazar	21·29
Boalkhali	Karaldenga	21·36
	Jungle Karaldenga	6·83
Patia	Sahamirpur	137·44

Thana.		Mauza.		Area in acres.
Patia	..	Daulatpur	..	210·15
		Ratanpur	.	58·30
		Chhatarpitua	..	31·[illegible]
		Kelishahar	..	8·65
		Jungle Uttar Srimai	..	19·18
		Sapmara	..	228·65
		Jungle Sitalchhari	..	20·62
		Srimai	..	162·68
		Kamdhatar	..	116·14
		Kharana	..	25·98
		Purba Elahabad	..	155·94
		Dakshin Jungle Srimai	..	61·20
		Purba Dhopachari	..	21·02
		Paschim Dhopachhari	..	2·17
		Patajhora	..	0·61
		Hasimpur	..	21·44
		Jungle Hasimpur	..	0·98
		Jamirjuri	..	20·87
		Hatiarghona	..	46·54
		Duarkul	..	10·45
		Chiringghata	..	8·75
Sitakund	..	Dharmapur	..	13·90
		Sitakund	..	0·33
		Jungle Sitakund	..	4·26
		Jungle Mahadebpur	..	12·04
		Jungle Katgar	..	3·62
		Katgar	..	7.84
		Jungle Bansbaria	..	4·11
		Uttar Jungle Sonaichhari	..	2·43
		Uttar Sonaichhari	..	0·29
		Jungle Sonaichhari	..	3·78
		Jungle Bhatiari	..	22·11
		Jungle Latippur	..	1·90
Fatikchari	..	Lot 16 Baramasia	..	2·31
		Betua	..	38·12
		Lot 19 Kutubchhari	..	1·36
		Krisnanagar	..	76·82
		Raipur	..	79·21
		Maijbhandar	..	8·38

Thana.	Mauza.	Area in acres.
Mirsarai	Purba Alinagar	104·13
	Geramara	41·05
	Chhatarua	17·68
	Dakshin-Alinagar	211·95
	Purba Hinguli	266·36
	Khil-murari	130·45
	Sonapahar	290·36
	Raipur	19·82
	Purba Mittanala	4·69
	Gobania	11·97
	Purba Khaiyachara	0·59
	Purba Mayani	13·48
Hathazari	Paschim Dhalai	0·02
	Gumanmardan	2·45
	Chhibatali	0·13
	Mirjapur	0·97
	Hasimnagar	9·45
	Muhamadabad	1·56
	Jungle Udalia	32·28
	Chhankhola	2·77
	Jungle Uttar Pahartali	9·06
	Andharghona	10·42
	Jungle Charia	0·49
	Jungle Silchhari	0·70
	Silchhari	2·27
	Fatika	1·73
	Mujafarpur	0·18
	Uttar Madarsa	0·41
	Paschimpatti	1·38
	Dewannagar	23·24
	Jungle Mithachhara	0·02
	Jalalabad	42·34
Raojan	Brindabanpur	14·13
	Brikbhanupur	27·15
	Nandagaon	91·12
	Dabua	105·08
	Saranga	48·26
Rangania	Dakshin-Nischintapur	1·38

Thana.		Mauza.		Area in acres.
Rangania	..	Bainala	..	1·38
		Chandarghona	..	162·59
		Dakshin Ichamati	..	1·72
		Saidbari	..	0·55
		Kokania	..	0·05
		Ghatchek	..	36·98
		Jungle Ghatchek	..	1·55
		Naogaon	..	168·85
		Jungle Pomara	..	13·18
		Pukialola	..	18·01
		Baniakhola	..	120·66
		Betagi	..	36·97
		Dhemirchhara	..	51·20
		Andharghona	..	117·64
		Dingallunga	..	103·56
		Tinchodya	..	74·96
		Chengkhali	..	401·29
		Dhopaghata	..	0·24
		Narischa	..	1·03
		Tripurasundari	..	1·75
		Darikop	..	0·07
		Falaharia	..	0·26
		Purba Khurusia	..	0·69
		Napitkukuria	..	4·27
		Dudhpukuria	..	2·07
Ukhia	..	Inani	..	5·88
Teknaf	..	Sahapariduip	..	1·67
Ukhia	..	Marichapalong	..	1·12
Sitakunda	..	Mahadebpur	..	11·45
		Jungle Mahadebpur	..	135·69
		Jungle Bansbaria	..	636·73
		Uttar Jungle Sonaichhari	..	134·49
		Jungle Bhatiari	..	1,091·49
		Jungle Latifpur	..	281·55
		Jungle Chhilimpur	..	1,114·01
Hathazari	..	Mirzapur	..	185·07
		Andarghona	..	137·88

Thana.		Mauza.		Area in acres.
Hathazari	..	Silchhari	..	46·28
		Paschimpatti	..	30·33
		Jungle Mithachhari	..	265·15
Rangunia	..	Bainala	..	16·26
		Jungle Ghatchek	..	176·66
Patiya	..	Purba Dhopachari	..	270·39
		Paschim Dhopachari	..	18·38
		Hasimpur	..	209·70
		Jungle Hasimpur	..	117·79
		Jamirjuri	..	214·16
		Chiringhata	..	70·41
		Diakul	..	89·74
Boalkhali	..	Jungle Karaldanga	..	56·27
Satkhania	..	Chanda	..	152·07
		Narischa	..	118·81
Cox's Bazar	..	Jhilwanja	..	2·96
Teknaf	..	Teknaf	..	8·32
Satkhania	..	Churamani	..	3·60
Fatikchari	..	Ramgar	..	9·40
Hathazari	..	Jungle Udalia	..	52·10
Ramu	..	Chainda	..	2·20
Hathazari	..	Udalia	..	0·51
		Jungle Dakshin Pahartali	..	1·04
Satkania	..	Chunati	..	6·0
Chakaria	..	Paharchanda (Poharchonda)	..	33·33
Ukhia	..	Inani	..	1·05
		Uhalapalong	..	46·30

Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state whether the concessions mentioned in answer (*b*) are intended for the inhabitants of the entire district or only for the inhabitants of Cox Bazar subdivision?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is for the entire district.

Excise shops held by men of different communities in Bakarganj.

***130. Mr. UPENDRA NATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing for the year 1938-39 in respect of the district of Bakarganj the number of excise shops that have been settled with the—

(1) Scheduled Castes;

(2) Muhammadan community; and

(3) Caste Hindus?

(*b*) Will the Hon'ble Minister be pleased to state the number of candidates from the—

(1) Scheduled Castes; and

(2) Muhammadan community?

(*c*) Is it a fact that the claims of the Scheduled Caste and Muhammadan candidates have not been considered by the present acting Superintendent of Excise, Bakarganj?

(*d*) How many shops (excise) have been settled during his term of office and to whom?

(*e*) What steps do the Government propose to take to settle more excise shops in the district with the—

(1) Scheduled Castes; and

(2) Muhammadans?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) to (*d*) I regret that it is not possible to obtain the information as no record is kept of the castes of vendors.

(*e*) The matter is under consideration.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of showing the caste of vendors of each kind of shops?

Mr. SPEAKER: That is a definite request for action.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি, যে সমস্ত লোককে লাইসেন্স দেওয়া হোয়েছে তাদের কোন জাতি এবং ধর্ম্ম আছে কি না? এবং সেটা, চেষ্টা কোরলে জানা সম্ভবপর ছিলো কি না?

Mr. SPEAKER: That question does not arise.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether any instructions have been issued to the effect that excise shops should also be settled with Scheduled Castes and Muhammadans?

Mr. SPEAKER: The Hon'ble Minister has said that the matter is under consideration. Therefore that question does not arise out of this.

Mr. MONMOHAN DAS: Is it a fact that at the time of taking licences the vendors are given a form in which they are to mention their names and castes?

Mr. SPEAKER: This is not a question of application. Applications might have been made by 500 people.

Mr. MONMOHAN DAS: Sir, the Hon'ble Minister has said: "I regret that it is not possible to obtain the information as no record is kept of the castes of the vendors". My question is this: at the time of taking licences whether the vendors are given a form in which they are to state their names and castes.

The Hon'ble Mr. PRASANNA DEB RAIKUT: I do not know anything about this. I want notice to see whether there is such a form.

Maulvi ABDUL WAHAB KHAN: Sir, question (*d*) has not been answered. That is my submission and I want an answer to it.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Have I to state the castes?

Maulvi ABDUL WAHAB KHAN: No, no, any Tom, Dick or Harry to whom excise shops have been settled. We want an answer to this.

(No reply.)

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether the names and designations of the vendors, e.g., Chatterji, Banerji, Syed, Mullick, Raikut, are sufficient to ascertain the castes of the vendors?

Mr. SPEAKER: I hope the Syeds do not take excise licences. (Laughter.)

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, if the honourable member so desires, I shall personally look into it.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that a similar question was put by me in the last November session of the Assembly and there also the same answer was given by the Hon'ble Minister?

Mr. SPEAKER: This time, I think, he will give an answer to the House.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that really there is a list maintained showing the caste of each individual member?

Mr. SPEAKER: The Hon'ble Minister has already promised to look into the matter.

Maulvi ABDUL WAHAB KHAN: Will the list show castes of the vendors—Hindu, Muhammadan, Scheduled Castes——

Mr. SPEAKER: I hope you are not going to determine the caste of wines and drugs and everything. (Laughter.)

Mr. ANUKUL CHANDRA DAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what steps have been taken to settle more shops with Scheduled Castes?

Mr. SPEAKER: That question has been answered.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of settling excise shops with some M. L. A.'s who may feel sore about it? (Laughter.)

Mr. SPEAKER: That question does not arise.

Trade Union Constituencies Tribunal and Trade Unions.

*131. **Mr. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether it is a fact—

(i) that a large number of Trade Unions were registered last year; and

(ii) that they were debarred from applying to the Trade Union Constituencies Tribunal for recognition as they have not yet completed two years of existence or one year of registration?

(b) How long will the present Trade Union Constituencies Tribunal continue to function?

(c) Is the Hon'ble Minister considering the desirability of continuing this Tribunal up to April, 1940, so that many newly formed unions may get a chance of getting recognition?

(d) If the answer to (c) is in the negative, do the Government contemplate the reconstitution of this Tribunal every year for the encouragement of the formation of new unions?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) Yes.

(ii) Some were debarred.

(b) Till it is dissolved.

(c) and (d) Do not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is aware that this Tribunal was dissolved more than three months ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of this. My information is to the contrary

Mr. SIBNATH BANERJEE: Is it still functioning?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, it is not functioning, but it has not been dissoleved yet.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how the question (d) does not arise?

Mr. SPEAKER: That does not arise because it is not yet dissolved.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state for what purpose this Tribunal was formed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Tribunal was formed for deciding as to who will be on the electoral roll, and that is one of the reasons why questions (*c*) and (*d*) do not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the recognition of these unions by the Tribunal has any connection with the next Bengal Legislative Assembly election?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. As far as the preparation of the electoral roll of the Bengal Legislative Assembly is concerned, a fresh Tribunal will have to be constituted.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*), will the Hon'ble Minister be pleased to enlighten us whether the Trade Unions Constituencies Tribunal will continue till April, 1940?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not necessarily.

Mr. ATUL KRISHNA GHOSE: Is there any difficulty in the matter? If so, what is it?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: I submit, Sir, it does, because if the Tribunal is dissolved——

Mr. SPEAKER: Order, order. Mr. Ghose I am telling you that this is a purely hypothetical question. You are assuming that it may be dissolved.

Mr. ATUL KRISHNA GHOSE: Sir, we want to know definitely whether it will continue to function till April, 1940. Am I to understand that the Government is not in a position to say whether the Tribunal will function till April, 1940?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Tribunal is not functioning. Its function is to decide as to who will be on the electoral roll. Once the electoral roll is prepared, the function of the Tribunal is finished. So there is no sense in continuing it till April.

Mr. SIBNATH BANERJEE: May I request the Hon'ble Minister through you, Sir, to ascertain facts because I know definitely that the Tribunal has been dissolved and the Chairman is now a Judge of the High Court. I am surprised that such a reply should come from the Hon'ble Home Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: The work of the Tribunal is over, but actually by notification it has not yet been dissolved.

Mr. SPEAKER: I take it that the Tribunal has not yet been legally dissolved.

Want of a Certificate Court at Gaibandha.

*132. **Maulvi ABU HOSSAIN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that number of cases have been disposed of by the Debt Settlement Boards in Gaibandha subdivision in the district of Rangpur;

(*ii*) that defaults are being made in paying *kists* by the debtors;

(*iii*) that there is no Certificate Court at Gaibandha; and

(*iv*) that the creditors are not being able to realise the defaulting *kists*, in the absence of a Certificate Court at Gaibandha?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) and (*iii*) Yes.

(*ii*) Yes, in rare cases.

(*iv*) No; they are filing such cases at Sadar.

(*b*) Does not arise.

Maulvi ABU HOSSAIN SARKAR: Is the Hon'ble Minister aware that in going to the Sadar the decree-holder has to spend a good deal of money and time as it is 40 miles from Gaibanda?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That may be so, Sir, but the number of certificate cases is too small to justify any officer being posted there.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state who has supplied him this information—that the cases are very few in number?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I can give the figure to the honourable member that out of 10,234 cases disposed of so far only 33 certificate cases have been filed.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister please state whether it is a fact that a good many cases are not filed because there are difficulties in filing cases by going to Gaibanda?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That may be a matter of opinion

Maulvi ABU HOSSAIN SARKAR: That may be a matter of opinion, but, Sir, may I know what is the opinion of Government?

Mr. SPEAKER: That question does not arise.

Cases pending before or settled by No. 2 Kalocha Debt Settlement Board in Tippera.

***133. Maulvi JONAB ALI MAJUMDAR:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state

(*a*) how many cases are now pending before the No. 2 Kalocha Debt Settlement Board within the Hajiganj police-station in the district of Tippera, and

(*b*) how many cases have been amicably settled by the said Board under section 19(*1*)(*a*) of the Bengal Agricultural Debtors Act, 1935, during the period beginning from the 1st of July, 1939, up to date?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) 405.

(*b*) 9.

Sheristadar, Sub-Judge's Court at Bankura.

***134. Khan Bahadur Dr. SYED MUHAMMAD SIDDIQUE:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state who has been confirmed as Sheristadar, Sub-Judge's Court, Bankura, in the grade of Rs. 80—4—140 after the 17th March, 1939?

(*b*) What pay was he drawing in his last post?

(c) Has he been appointed in preference to the claims of senie Muhammadan and non-Muhammadan clerks of the lower divisio (Rs. 40—2—68—3 2—80) and junior clerks of the higher divisio (Rs. 80—2—100)?

MINISTER in charge of the JUDICIAL and LEGISLATIVI DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khai Bahadur): (a) Babu Ram Krishna Mukherji.

(b) Rs. 50.

(c) Yes. The appointment was made in consideratio special fitness, *vide* clause 9, rule 1013, High Court's Civil Rules an Orders. The question of getting preference over the claims of other does not arise.

Khan Bahadur SHAH ABDUR RAUF: Will the Hon'ble Minis ter please state who is the appointing authority of the Sheristadar?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur The District Judge

Pay and prospects of the clerical staff under Bengal Government.

***135. Maulvi Md. ABDUL HAKIM VIKRAMPURI:** (a) Is th Hon'ble Minister in charge of the Finance Department aware—

(i) that the ministerial officers of all the departments of th Government of Bengal are ill-paid and in some cases under paid in comparison with the pay and prospects of th gazetted services; and

(ii) that the qualifications the former possess and duties they perform are almost the same as those of the latter?

(b) If the answer to (a) is in the affirmative, will the Hon'bl Minister be pleased to state whether the Government contemplat appointment of a committee to enquire and report on the improvemen in pay and prospects of the ministerial officers under the Governmen of Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) No.

(b) Does not arise.

Dr. SURESH CHANDRA BANERJEE: Does the Hon'ble Minister mean to say that these ministerial officers are neither ill-paid nor under-paid?

The Hon'ble Mr. H. S. SUHRAWARDY: That is a matter of opinion.

Public meetings of recognised associations of Government servants.

***136. Maulvi ABDUL HAMID SHAH:** (*a*) With reference to the reply given to starred question No. 23 on the 5th December, 1939, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether attempts to enlist the help of members of the Legislature, the holding of public meetings, the ventilation of grievances in the Press, on the part of the associations of Government servants, have been prohibited by the Finance Department circular No. 975F., dated the 18th May, 1939?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Finance Department Order No. 975F., dated the 18th May, 1939, warns recognised associations of Government employees that the public ventilation of their grievances may involve the withdrawal of recognition.

(*b*) Such public ventilation is detrimental to discipline and incompatible with the purpose for which recognition is accorded.

Maulvi ABDUL HAMID SHAH: এই শব্দগুলির সম্ভাবনা হচ্ছে এই House এ সরকারী কর্ম্মচারীদের association সম্বন্ধে কোন কিছু জিজ্ঞাসা করেন সেটা কি private ventilation of their grievances বোলে পরিগণিত হবে?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose the members of the Legislature have the right to ventilate the grievances of any person whether those grievances are imaginary or otherwise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state if they are not allowed to make public ventilation of their grievances how they will ventilate their grievances?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state whether the members of this Assembly can attend the meetings of such recognised associations and give their views about the grievances of the Government employees?

Mr. SPEAKER: That question does not arise.

Method of testing purity of ghee.

***137. Mr. MOHIM CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state whether the Government have found it out by their expert—

(*i*) that the British standard of testing the purity of cow's *ghee* is not applicable to cow's *ghee* produced in Bengal; and

(*ii*) that manufacturers of pure *ghee* from Bengal cow's milk and local dairy industry are suffering through this test?

(*b*) Whether the Government are considering any scheme for research to find out the actual standard of Bengal cow's *ghee*?

(*c*) Whether the attention of the Government has been drawn to a publication in the Imperial Council of Agricultural Research by Doctor S. M. Das Gupta on the seasonal variations in the carotine and vitamin A contents of butter fat and its richest and Iodine values of Bengal cow's *ghee*?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) There is no legal or fixed standard for pure cow butter fat in Great Britain.

(*ii*) Does not arise.

(*b*) A scheme of research for the detection of animal fats which are used as adulterants of butter fat and the differentiation of cow and buffalo fats is under consideration.

(*c*) Yes.

Mr. MAHIM CHANDRA DAS: ঘিয়ের বিশুদ্ধতা পরীক্ষা করার পক্ষে গভর্ণমেণ্টের standard কি?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Probably there may be a standard; I do not know

Mr. MAHIM CHANDRA DAS: এই সম্বন্ধে ফৌজদারী আইন সোপর্দ্দ হয় কি ভাবে?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Does the honourable member wish to know how we can find out whether a particular quality of ghee is pure and free from adulteration or not?

Mr. MAHIM CHANDRA DAS: I want to know how the adulteration is detected, how the Government tests it?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to what is the process and procedure by which Government come to a conclusion as regards the purity of things—whether they are adulterated or pure?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state whether it is by means of any chemical examination conducted through some experts that adulteration is detected?

Mr. SPEAKER: I am sure this matter is known to everybody. This is done in the Public Health Laboratory.

Eradication of malaria from Rajshahi district.

***138. Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) the number of deaths in the Rajshahi district due to malaria in the last year;

(*b*) what is the place of the Rajshahi district in the Province in respect of high roll of mortality due to malaria;

(*c*) what is the number of anti-malaria societies in the Rajshahi district;

(*d*) what is the amount of Government grant for anti-malaria societies;

(*e*) has any amount been spent by those societies for flushing schemes, irrigation schemes and anti-larval measures in eradicating malaria;

(*f*) if the answer to (*a*) is in the negative, what steps does he propose to take in the matter; and

(*g*) have any other anti-malaria measures been undertaken by the district, if so, with what results?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) 26,294.

(*b*) First in 1938.

(*c*) 53.

(*d*) No grant was made by Government to any District Board in 1938-39 for expenditure on anti-malaria works through union boards and anti-malaria societies.

(*e*) Government have no information

(*f*) and (*g*) In view of the unanimity of opinion that the policy hitherto followed by Government of making small grants through the District Boards to the union boards and anti-malaria societies has not met with any appreciable measure of success, Government have under consideration a proposal for a change of policy so that increased grants

may be made available for expenditure on larger anti-malaria projects of a more or less permanent nature, viz., flushing schemes, irrigation schemes, anti-larval measures, etc., approved by the Public Health Department.

Comprehensive anti-malaria schemes have been called for from all District Boards of the Province. No such scheme has yet been received from the Rajshahi District Board in spite of reminders.

A scheme of an anti-malaria nature, viz., the Nepaldighi-Gobindpur drainage scheme has been recently carried out from the Government of India's first rural uplift grant and provision has been made in the next year's budget for another scheme, viz., drainage of the Bhedra *bil* which may be taken up if the provision is voted by the Legislature.

Government have also approved four other anti-malaria schemes, namely, (*i*) Haltibil drainage scheme, (*ii*) re-excavation of a *khal* by the Islampur Co-operative Anti-Malaria Society, (*iii*) re-excavation of the Dhopaipur Hapania *khal*, and (*iv*) Sutirdara scheme. These are expected to be financed out of the Government of India's second grant for rural reconstruction

Mr. SURENDRA MOHAN MAITRA: With reference to answer (*e*), that Government have no information, may I enquire whether after the submission of this question any attempt was made by Government to get this information?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certainly, attempts have been made, but no information has yet been received

Mr. SURENDRA MOHAN MAITRA: With reference to answer (*f*), may I know since when this proposal has been under the consideration of the Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Just lately

Mr. SURENDRA MOHAN MAITRA: How many years ago, one year or two years?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Not one year or two years but only just lately

Srijut MANINDRA BHUSAN SINHA: With reference to answers (*f*) and (*g*), that in view of the unanimity of opinion that the policy hitherto followed by Government of making small grants through the District Boards to the Union Boards and anti-malarial societies, has not

met with any appreciable measure of success, etc., etc., will the Hon'ble Minister please state why before this policy materialises the grants to anti-malarial societies have been stopped?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That was before I took over charge of my office, and, therefore, I could not tell you why it was stopped.

Mr. SPEAKER: The questions that were left over on the 26th of February, 1940, will now be taken up

Dacoities in Noakhali since 1917.

*85. **Mr. HARENDRA KUMAR SUR:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay a statement on the table regarding the following particulars with respect to each of the two subdivisions of the Noakhali district from the year 1917 up to the present day:

(*a*) the number of dacoities committed in each of the years,

(*b*) the names of the person or persons in whose houses the dacoities were committed,

(*c*) the amount of loss sustained in each dacoity,

(*d*) the names of the accused person or persons who had been tried by the Court of Sessions or by Special Tribunal appointed for the purpose; and

(*e*) the results of the trials showing each case separately?

The Hon'ble Khwaja Sir NAZIMUDDIN: Statements for the last ten years are placed on the Library table

The information for 22 years is not readily available and its collection would entail so much time and labour that Government regret that they are unable to undertake the task

Arrests of Congressmen in Malda under India Defence Ordinance No. V.

*86. **Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that the context of India Defence Ordinance No V was published in *mufassal* edition of vernacular papers on and after the 6th September, 1939;

(ii) that the context of the said Ordinance was not circulated by the Local Government by any other means in the district of Malda;

(*iii*) that four Congressmen were arrested in the district of Malda for holding a Congress meeting in a village on the 6th September, 1939; and

(*iv*) that the Indian National Congress or the Forward Bloc of the Congress has not launched any civil disobedience movement till the submission of this question?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, what steps, if any, do the Government contemplate to stop interference with the ordinary activities of the Congress and its workers?

(*c*) Was the arrest in the district of Malda under the India Defence Ordinance No. V made in consultation with the Bengal Government or was the Bengal Government consulted after the arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) A full summary of the Ordinance and the rules thereunder was published in the *Dak* edition of the *Amrita Bazar Patrika* of 5th September, 1939

(*ii*) No. It was published in a Gazette Extraordinary.

(*iii*) Four persons were arrested in connection with a speech at a meeting on 6th September at Nagharia. I do not know if they were Congressmen. They usually conduct their proceedings as members of the Malda District Krishak Samiti under the red flag, bearing the insignia hammer, sickle and star.

(*iv*) Yes.

(*b*) Government have no knowledge of any interference and consequently no steps are necessary.

(*c*) The arrest was made under the Defence of India Rules.

Government was not consulted.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the "Amrita Bazar Patrika" is a vernacular paper, and whether the "Amrita Bazar Patrika's" Dak edition of the 5th reaches Nagharia on the 6th?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the "Amrita Bazar Patrika" is concerned, I refer the honourable member to a copy of the paper which he will find at any bookstall to find out whether it is a vernacular paper or not. The honourable member will get that information by purchasing a copy of that paper.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to pay the price for purchasing a copy of the paper to get that information?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member cannot pay, I will.

Mr. JOGESH CHANDRA GUPTA: Thank you!

The Hon'ble Khwaja Sir NAZIMUDDIN: As regards the question whether the Dak edition of the paper of the 5th reaches Nagharia on the 6th, I am not in a position to say

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the Government consider it necessary to circulate the new Ordinance or the Rules of the Provincial Government of the type which takes away the existing law of the land by beat of drum in the interior?

Mr. SPEAKER: I take it that what you want to know is whether Government contemplate any measure to circulate on a wider scale the information regarding such Ordinance which restricts public liberties?

The Hon'ble Khwaja Sir NAZIMUDDIN: At the present time we have not got any proposal for improving the circulation of Government measures But, so far, we have received no complaints excepting in this one case which may appear to be exceptional

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether he does not consider the notice as too short for arresting certain persons for holding a meeting on the 6th September when the news was only circulated in the Dak edition of the "Amrita Bazar Patrika" of the 5th?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter has been before the court. My reply was sent some time ago The matter was then *sub judice* I don't think I can express any opinion on the matter just now.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is still *sub judice*?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. ATUL CHANDRA KUMAR: The Hon'ble Minister may take it from me that it is not.

Mr. SIBNATH BANERJEE: In answer (iii) it is said "I do not know if they were Congressmen." Will the Hon'ble Minister be pleased to state whether there was any red flag in the meeting of 6th September?

The Hon'ble Khwaja Sir NAZIMUDDIN: My information is that it was not the Congress flag that flew in this meeting, but the red flag bearing the insignia hammer, sickle and star.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the hoisting of red flag is illegal?

Mr. SPEAKER: That question does not arise

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it was not possible for him to ascertain if they were Congressmen when he had ascertained that they were members of the District Krishak Samiti?

Mr. SPEAKER: That question does not arise

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that this meeting at Nagharia on the 6th September was only one of a series of meetings held all over Bengal which were organised a few days back at the instance of the Forward Bloc prior to the outbreak of war?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the first week of this month was declared as a National Week?

Mr. SPEAKER: That question does not arise

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to inform the House as to whether, at the time of the institution of these cases, any legal opinion was taken by the Government regarding this question which was referred to by my friend?

Mr. SPEAKER: Government was not consulted It was done by the District Magistrate

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the District Magistrate consulted the Public Prosecutor?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister, apart from this question which may still be *sub judice*, be pleased to consider the desirability of consulting legal opinion, with regard to the pertinent question as to whether a law which has been promulgated can be said to have reached a particular place at a particular time?

Mr. SPEAKER: That is for the court to decide.

Mr. SURENDRA MOHAN MAITRA: The Hon'ble Home Minister has said that no complaint has been received regarding the non-promulgation of this Ordinance in the interior of the province. May I know whether he means that no complaint has been received by him?

Mr. SPEAKER: Yes, that is what he says.

Mr. SURENDRA MOHAN MAITRA: Is the Hon'ble Minister aware that complaints have been received even by the District Magistrate in my district regarding this non-promulgation?

Mr. SPEAKER: He is not aware

The Hon'ble Khwaja Sir NAZIMUDDIN: It is one of the things put in the papers

Mr. SURENDRA MOHAN MAITRA: Is the Hon'ble Minister considering the necessity for ascertaining whether complaints like this have been made in the districts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that there is no serious grievance about it

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Malda Krishak Samiti is an illegal body?

The Hon'ble Khwaja Sir NAZIMUDDIN: No

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to say then why the red flag had this kind of effect on the district authorities?

Mr. SPEAKER: That question does not arise

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether it is a fact that because the persons belonging to the Malda Krishak Samiti attended the meeting under the red flag, they were arrested?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the Home Minister reacts similarly to the red flag?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that Mr. Jha who has been prosecuted is the Assistant Secretary of the Malda District Congress Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অবগত আছেন যে সমস্ত আসামীই খালাস পেয়েছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is possible but I am not aware of it.

Allegations against policemen of Sukea Street police-station, Calcutta.

***101. Mr. SURENDRANATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether he has received a petition from one Satyendra Kumar Bose, a political prisoner released in June, 1936, complaining against the policemen of the Sukea Street thana?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*c*) Has the said Satyendra Kumar Bose submitted similar petitions of complaint to the Police Commissioner and the Deputy Commissioner, Northern Division, Calcutta?

(*d*) If so, what action, if any, has been taken by those officers in the matter of those complaints?

(*e*) What are the reasons for which the said Satyendra Kumar Bose is occasionally called at the thana and visited by the police constables at his residence at dead of night?

(*f*) Have the Government issued orders for these actions of the police officers and police constables regarding the said Satyendra Kumar Bose?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

(*c*) Yes.

(*d*) His prayer was rejected.

(*e*) As an ex-convict he is kept under surveillance.

(*f*) No. The ordinary law applies.

Sir, in this connection to avoid supplementaries, I may state that as far as waking him up at dead of night is concerned, this matter is being looked into and instructions are going to be issued, if not already issued, that he should not be disturbed late at night.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be surprised to learn that this Satyendra Kumar Bose holds a receipt of delivery of a petition addressed to him at his office?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible but I have not come across it

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether there are any rules regarding surveillance of ex-convicts?

The Hon'ble Khwaja Sir NAZIMUDDIN: The usual practice is observed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if it is a fact that the rules do not permit the keeping of surveillance for more than one year?

The Hon'ble Khwaja Sir NAZIMUDDIN: If there is anything against the rules, the person can have his remedy in a court of law.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether calling evil names and raising hue and cry before the house of an ex-convict are acts of surveillance?

Mr. SPEAKER: That question does not arise

Mr. SURENDRA NATH BISWAS: Sir, I hold a petition -

Mr. SPEAKER: I do not take cognisance of petitions. I only look into the question

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has got any petition from the political prisoner concerned?

Mr. SPEAKER: If you ask a supplementary question as to how many petitions or letters are received by Sir Nazimuddin, it will be rather difficult for him to answer that question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he enquired of the Commissioner of Police and the Deputy Commissioner of Police about the contents of the petitions of this Satyendra Kumar Bose addressed to each of them?

Mr. SPEAKER: That question does not arise because the question has been answered—his prayer was rejected.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he enquired about the complaint as he should have done as the head of the department?

Mr. SPEAKER: That question does not arise I am perfectly certain that if you were the head of the department, you would have done exactly the same thing.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why the complaint of the political prisoner concerned was not looked into and no steps taken earlier?

Mr. SPEAKER: He has said that he has done it

Mr. SURENDRA NATH BISWAS: He only promised to do so to-day.

Will the Hon'ble Minister be pleased to state how long these acts of surveillance are continuing?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is continuing as long as it is necessary

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how long they have been continuing?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice

Promulgation of Defence of India Ordinance in Bengal.

*102. **Mr. SISNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state

(i) the names of the persons who have been ordered not to enter any particular area under the Defence of India Ordinance Rules since the rules came into force;

(ii) the names of persons whose movements have been restricted under these rules; and

(iii) the names of persons who have so far been arrested under these rules?

(b) Is the Hon'ble Minister aware—

(i) that Mr. A. M. A. Zaman, M.L.A., and Mr Badal Das have been ordered not to enter the districts of Hooghly and Howrah, respectively;

(ii) that the permanent residences of those two persons are at Hooghly and Howrah, respectively, and

(iii) that these orders will prevent legitimate trade union activities of these persons amongst the workers of jute mills?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state

(i) whether the Government held any special enquiry before passing orders under this Ordinance,

(ii) whether the orders were passed on the reports of Criminal Investigation Department and Intelligence Branch watchers; and

(iii) whether the Government will consider the desirability of specifying a procedure before passing any such order?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The information required in answer to this question was not available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

(b) (i) Yes.

(ii) No.

(iii) Government is not prepared to allow legitimate and illegitimate trade union activities to be carried on at one and the same time.

(c) (i) and (ii) No.

(iii) Does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that by ordering Mr. A. M. A. Zaman not to enter the district of Hooghly he has been debarred from entering the constituency which he has the honour to represent in this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid that is the unfortunate result of the order.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state from what source did he get the information that Mr. Badal Das did not live permanently in Howrah from which district he has been externed?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the information supplied to me by the District Magistrate.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how long the orders are going to continue?

The Hon'ble Khwaja Sir NAZIMUDDIN: Badal Das was externed for six months from 11th November, 1939.

Mr. SIBNATH BANERJEE: With reference to (*b*)(*iii*), will the Hon'ble Minister be pleased to state if he is aware that by declaring those activities as illegitimate he makes a statement which begs the question without any enquiry whatsoever?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what will be the approximate number of such cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think they are many, quite a limited number

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state, if the answer just now given is correct, what was the difficulty in collecting the information and why it is said in the answer—"the information was not available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake?"

The Hon'ble Khwaja Sir NAZIMUDDIN: Because they are scattered all over the district

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it was not possible for him to write to the District Magistrates and get the information from them?

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case all the District Magistrates, the Commissioner of Police and any other authorities who have the power to pass this order would have to be written to.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what was the nature of the illegitimate activity which Mr. Zaman had been carrying on?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was trying to create trouble in the mill areas.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that by this attitude he is withholding the information from the public which the public has a right to know?

Mr. SPEAKER: That is a matter of opinion.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the carrying on of normal trade union activities is tantamount to creating trouble in mill areas?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he would consider the desirability of withdrawing this order?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot make any definite promise about it, but I will reconsider the matter.

Insanity of detenu Babu Jagadish Chandra Chakravarty.

*107. **Mr. PRATUL CHANDRA CANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether detenu Babu Jagadish Chandra Chakravarty of 47, Katherpool Lane, Dacca, turned insane after some years of his detention;

(*ii*) whether he was ever sent to Ranchi Mental Hospital for treatment; and

(*iii*) whether he is still in that hospital?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state where he is now and under what condition?

(*c*) Is Jagadish Chandra Chakravarty still under order of detention?

(*d*) If not, when was he released?

(*e*) Was he insane at the time of release?

(*f*) If so, what arrangement was made for sending him home?

(*g*) Is the Hon'ble Minister aware that the widowed mother of Babu Jagadish Chandra Chakravarty is not acquainted with the whereabouts of her son for a long time?

(*h*) Was Babu Jagadish Chandra Chakravarty of sound mind before his arrest?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take to compensate his family?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Signs of insanity were detected whilst he was under orders of detention.

(*ii*), (*iii*) and (*e*) Yes.

(*b*) Does not arise.

(*c*) and (*g*) No.

(*d*) 19th April, 1938.

(*f*) The members of his family were informed of his release.

(*h*) I have no information.

(*i*) Does not arise, but Government acknowledge no liability.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state if we are to understand that the said political prisoner is still totally insane?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no recent information about him

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister in his reply (*a*) (*iii*) said that he is still in that hospital Then are we to understand that he is still insane?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that I have got no recent information about him.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if Government arrested a man who was insane at the time of his arrest?

Mr. SPEAKER: That question does not arise

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister in his answer says that he has no information whether he was a sane man before his arrest. But at the time of arresting a man Government must be satisfied whether they are arresting a sane or an insane man.

Mr. SPEAKER: He has said, he has no information on the point.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*d*), viz., that he was released on the 19th April, 1938, whether he was escorted to his home and, if not, whether it was not the duty of Government to do so?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the relations of the prisoner were informed that he would be released on such and such a date——

Mr. ATUL KRISHNA GHOSE: Are we to understand that the insane man was let loose on the street?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was not let loose in the street. He was in the hospital at the time.

Mr. ATUL KRISHNA GHOSE: Who escorted the patient to the hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was in the hospital. As soon as the serving of sentence was over he would no longer be in custody. He would be a free man and his relations could take him away from the hospital if they liked.

Mr. ATUL KRISHNA GHOSE: In view of the reply, will the Hon'ble Minister be pleased to enquire whether he is still insane or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have got no responsibility in the matter. I do not see why we should enquire about it.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*v*), will the Hon'ble Minister be pleased to state how many years after his arrest the prisoner was found to be insane?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think four years after he became a detenu.

Mr. SURENDRA NATH BISWAS: Is it not a fact that during these 4 years before any sign of insanity was detected this prisoner was medically examined several times?

The Hon'ble Khwaja Sir NAZIMUDDIN: How am I to know whether he was medically examined or not.

Rai HARENDRA NATH CHAUDHURI: He was a detenu and must have been medically examined.

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot tell now what happened 8 years ago.

Mr. SURENDRA NATH BISWAS: I am submitting to you, Mr. Speaker, that Government disowns its liability now and says that the prisoner has been released and he is now in the Ranchi Mental Hospital. Our case was that so far as this particular prisoner is concerned he became insane 4 years after his arrest; so the Government has certainly some liability with regard to the treatment of this prisoner.

Mr. SPEAKER: What is your question? Put it in the form of a supplementary question

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in view of the fact that the detenu became insane 4 years after his arrest, Government should pay some compensatory allowance?

Mr. SPEAKER: That question does not arise

Mr. ATUL KRISHNA GHOSE: In view of the fact that the insanity of the prisoner gave its indication during his imprisonment and in view of the fact that the prisoner was sent to the Mental Hospital by the Government, will the Government consider the desirability of enquiring into the health of the prisoner and his present condition and inform the poor mother the present state of his health?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret we cannot do anything in this matter

Mr. SURENDRA NATH BISWAS: Is it a fact that the Government has been pursuing the policy of paying expenses for treatment of detenus even after their release?

The Hon'ble Khwaja Sir NAZIMUDDIN: In this case he ceased to be detenu on 19th April, 1938, but Government continued to pay for him till 20th October, 1938 (6 months)

Mr. SURENDRA NATH BISWAS: In view of the fact that he is still in that Mental Hospital, does the Government consider the desirability of continuing payment for his medical treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir Government regret they cannot undertake any more payment

Mr. ATUL KRISHNA GHOSE: Sir, the reply would have been quite all right, had the prisoner been released and reached home.

Mr. SPEAKER: I am perfectly willing to allow any question but I cannot allow you to begin with an argument.

Mr. ATUL KRISHNA GHOSE: Will the Government please enlighten us as to whether it is entitled to arrest a sane man and to make him insane during his imprisonment and throw him into a hospital?

Mr. SPEAKER: That is a matter of argument.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether this detenu was arrested at his native residence, if so, do not Government consider it desirable that the expense should be borne by Government to enable the prisoner to go to his native place from Ranchi Hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: If on the day he ceased to be a detenu the relations had undertaken to take him away, Government would have paid the fare of this detenu as we have done in the case of other detenus

Adjournment Motion.

Dr. SURESH CHANDRA BANERJEE: Mr Speaker, Sir, I have given notice of an adjournment motion to which you have given your consent May I know if it has been admitted?

Mr. SPEAKER: Has the Home Minister any information about this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, I have got information in my possession and on the facts I can state that they are not correct

Mr. SPEAKER: What are the facts?

The Hon'ble Khwaja Sir NAZIMUDDIN: If you like I can give the statement That will be my reply

Mr. SPEAKER: I must be informed of the actual facts of the case.

The Hon'ble Khwaja Sir NAZIMUDDIN: The actual facts are that these people wanted to hold a meeting on somebody else's land and the proprietor of the land did not give them permission, and there was a

written letter in the possession of the police saying that the proprietor objected to the meeting being held on his land and said that it would be a case of criminal trespass if they held a meeting without his permission. If they obtained the permission of the proprietor, they could hold the meeting.

Mr. SPEAKER: Dr. Banerjee, have you anything to say as to whether the place where the meeting was to be held belongs to another person? Did you take any written permission?

Dr. SURESH CHANDRA BANERJEE: Sir, first of all we notified that the meeting would be held at a certain place. Then at about 2 o'clock (afternoon) police came and told us that as the proprietor of the land was objecting to having a meeting at that particular place, we could not hold the meeting there. We did not want to hold a meeting by force. We selected a site nearby. No one objected. The proprietor was there, and I was talking to him. As a matter of fact, he told me that he had no objection, but suddenly the police and sergeants came and charged us with big *lathies* and revolvers.

Mr. SPEAKER: Where were you holding the meeting?

Dr. SURESH CHANDRA BANERJEE: We were holding the meeting in a place which is by the side of the Narikeldanga Bridge and not at the place settled before which was barricaded by the police. As a matter of fact, the proprietor was with me, and he told me that he had no objection, but the Assistant Commissioner of Police and constables came upon the labourers and belaboured them

Mr. SPEAKER: Is not police permission necessary to hold meetings after the circulars and ordinances have been issued? I want to be satisfied so far as you are concerned, Dr. Banerjee. Did you take the permission of the police to hold the meeting at that place?

Dr. SURESH CHANDRA BANERJEE: I did not take permission of the police. But the Government's objection is not on that issue. If the Government said that they would not allow any meeting unless someone took permission, we would not have raised this issue.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? The point at issue is about the admissibility of the motion according to the rules So far as to how far there was the propriety or the impropriety of the action involved therein is concerned, it is a matter which the House may decide after hearing both sides of the case.

Mr. SPEAKER: I am only concerned with the question whether the motion is in order. If I am satisfied that there was absolute *zulum* and nothing else, I would certainly consider it.

Dr. NALINAKSHA SANYAL: We are only to consider whether it is a matter of general public interest and of urgent importance. If these two conditions are fulfilled—

Dr. SURESH CHANDRA BANERJEE: Sir, I want to make a suggestion. The point is, the police dispersed the meeting by force. If the Government version is that we held the meeting without the previous sanction of the Government and that is why the police dispersed the meeting, then I shall not press the issue. But, Sir, I know definitely that the proprietor had no objection.

Mr. SPEAKER: Yes, I will consider this. This is a very complicated matter. Will Sir Nazimuddin give a statement about the facts of the case?

The Hon'ble Khwaja Sir NAZIMUDDIN: When, Sir?

Mr. SPEAKER: To-day, and if I hold that the motion is in order, then it will be taken up to-morrow. At present my impression is that it is not in order. But in order to give a fair opportunity to Dr. Banerjee, I want to be satisfied on this point.

Mr. SANTOSH KUMAR BASU: Sir, will Dr. Banerjee be given an opportunity of looking up the statement of Sir Nazimuddin?

Mr. SPEAKER: Certainly.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. It will not be quite in order for us to place all our cards before Dr. Banerjee.

Mr. SPEAKER: I have got the statement from Dr. Banerjee, and now you have also to make a statement before me. You just give me those facts which you think necessary.

Dr. SURESH CHANDRA BANERJEE: Sir, the point is this, that in my motion two plots of land are mentioned, and the meeting was to be held at one plot with regard to which Government say that I did not take previous permission. As a matter of fact, the meeting was actually held on another plot of land.

Mr. SPEAKER: Sir Nazimuddin, have you got anything to say to that?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the same thing applies; the same objection was held.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. This discussion which is going on—is it meant just to go on as between the Hon'ble Home Minister, the honourable member and yourself; or is the House supposed to understand something of what is transpiring? May not Dr. Banerjee be allowed to state the facts so that the House may have an idea?

Mr. SPEAKER: Now I have a fair indication as to what the facts are. Dr. Banerjee states that he wanted to hold a meeting in one plot of land, but it was barricaded by the police. He then went to another plot of land to which the proprietor did not object. On that Sir Nazimudin's version is that both the plots belonged to the same man, and the prayer to the police for dispersing the meeting was with regard to both the plots. Here there are two versions with regard to the same fact, and as such I want to see a statement from Sir Nazimuddin which is not necessary for Dr Banerjee to see. I am afraid that where there is a question of contradiction of facts, it cannot be discussed in the open House.

Mr. JOGESH CHANDRA GUPTA: Sir, I understand that the Hon'ble the Home Minister has got a letter from the proprietor and if he hands over the letter, then it will be possible to find out whether that relates to the refusal of permission to two plots or one plot only.

Mr. SPEAKER: Anyway I shall consider the facts. It is not necessary for Dr. Banerjee to speak because his version is now clear. I will now take the other version, and if I am satisfied then I shall say whether the motion is in order or not.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the second plot did not belong to the same owner (Cries of "Hear, hear" from the Congress Benches.) But the police asked them whether they had permission, and as they could not show that they had permission——

Dr. SURESH CHANDRA BANERJEE: Sir, I told the police that the letter was with me.

Mr. SPEAKER: I think Dr. Banerjee made it clear that he would not press his motion if the Government case was that police permission had not been obtained. If it was with regard to another plot of

and that police permission was not taken, then the other point, namely, as regards the proprietor's right does not arise. It is wholly immaterial. The only question is whether the meeting was held although police permission was not given. Sir Nazimuddin, your case is that police permission was not given?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, Sir. What I said was that the police asked them whether they had obtained the permission from the proprietors, and as they had not obtained permission from the proprietors, they said they would hold a meeting on another day and went away There was no *lathi* charge by the police.

Rai HARENDRA NATH CHAUDHURI: Sir, Dr Banerjee's point is that they got the consent of the proprietor on whose land the meeting was held.

Dr. NALINAKSHA SANYAL: May we know, Sir, at what stage and through whom you got this impression that Dr Banerjee was not prepared to press the adjournment motion if the police permission was not obtained? Sir Nazimuddin, as far as I could gather, only referred to the proprietor's permission. The question of police permission was not raised at all

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, Sir, my first statement was correct.

Mr. SARAT CHANDRA BOSE: Then why are you sorry?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry for giving a wrong information to the House The two plots belonged to the same proprietor

Mr. SPEAKER: I think it is parliamentary practice to defer an adjournment motion, if there is a contradiction of facts. I will give an opportunity to the Hon'ble Home Minister to give me the correct version of the facts to-morrow

GOVERNMENT BILL.

The Bengal Jute Regulation Bill, 1939.

Mr. SPEAKER: The House will remember that we adjourned yesterday after discussion on amendment No. 129. Upon that there was a suggestion by the Opposition that the terms should be reduced also. The Hon'ble Mr. Tamizuddin Khan has given notice of a short-notice amendment.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 6 after sub-clause (8) the following sub-clause be inserted, namely:—

"(9) Subject to the provisions of sub-sections (5) and (6), the term of a Committee constituted under this section shall be two years from the date on which it is constituted."

This is, Sir, in accordance with the wishes of some members that the term should not be made too long. The understanding was for three years; we thought it fit to reduce it to two years.

Mr. SPEAKER: Mr. Charu Chandra Roy, do you press your motion after this? Government have now reduced the term to two years.

Mr. CHARU CHANDRA ROY: No, Sir, I do not press it.

The motion of Mr. Charu Chandra Roy that after clause 6(10) the following new sub-clause be added, namely:—

"(11) The Committee constituted under this section shall, subject to the provisions of sub-sections (4), (5) and (6), continue for four years from the date of their first sitting."

was then by leave of the House withdrawn

The motion of the Hon'ble Mr. Tamizuddin Khan that in clause 6 after sub-clause (8) the following sub-clause be inserted, namely:—

"(9) Subject to the provisions of sub-sections (5) and (6), the term of a Committee constituted under this section shall be two years from the date on which it is constituted,"

was then put and agreed to.

The motion that clause 6, as amended, stand part of the Bill was then put and agreed to.

Clauses 6A and 6B.

Mr. SPEAKER: I will now ask the Hon'ble Mr Tamizuddin Khan to move his amendment No. 306 on clause 6A.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in sub-clause (2) of clause 6A, in line 4, after the words "so authorised" the words "and for carrying out the purposes of this section" be inserted.

Sir, this is in connection with the amendments Nos. 130 and 133. The meaning is quite clear and I need not say anything.

Mr. SPEAKER: Mr. Morgan, do you press your amendment Nos. 130-32?

Mr. C. MORGAN: No, Sir, I do not press it. But it seems to me that the keeping of the words "remain in" is rather curious.

Mr. SPEAKER: If you do not press it, I can put it before the House at once.

Mr. MORGAN: I do not want to put my amendment to vote, but I would like the Hon'ble Minister to explain why the words "remain in" have to be here It does not seem that there is any use for the words at all. The officer is entering the premises for the purpose of finding out if jute is stocked or stored there. But why should he remain in the building? I want an explanation from the Hon'ble Minister on this point.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not think there is now any apprehension of any danger at all. Some of the members of the European Group apprehended that the clause as it stood might lead to this situation that an officer might go there and might choose to live there for a few days or for a period of time. That was in itself a thing which one might not anticipate, but still to make everything clear we have placed this amendment before the House, and now I think there can be no objection to this because for whatever length of time the officer may remain there, it will be for the purpose of carrying out the objects of the Act I do not think therefore that the objection raised by Mr Morgan has any force.

Mr. SPEAKER: Then may I take it, Mr. Morgan, that you withdraw your amendment?

Mr. MORGAN: Yes, Sir, I withdraw my amendment.

The amendment of Mr. Morgan that in clause 6A (2) (a), in line 1, for the words "enter and remain in" the words "for carrying out the purposes of this section enter" be substituted, was then by leave of the House withdrawn.

The motion of the Hon'ble Mr. Tamizuddin Khan that in sub-clause (2) of clause 6A, in line 4, after the words "so authorised" the words "and for carrying out the purposes of this sectoin" be inserted, was then put and agreed to

The question that clause 6A stand part of the Bill was then put and agreed to.

Mr. SPEAKER: There are two amendments, Nos. 307 and 308, to clause 6B, standing in the name of the Hon'ble Mr. Tamizuddin Khan. Will you move them now?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir.

I accept the amendment of Mr. Morgan, namely, that in sub-clause (*1*) of clause 6B for paragraph (*b*) the following be substituted, namely,—

"(*b*) four members appointed by the Provincial Government to represent respectively the manufacturers, *pucca* balers, *kutcha* balers and shippers of jute in Bengal, and."

I also beg to move that in sub-clause (*1*) of clause 6B, in paragraph (*c*), for the word "five" the word "six" be substituted.

Mr. SPEAKER: It is no use continuing the discussion now as it is almost prayer time.

Mr. CHARU CHANDRA ROY: Sir, I oppose the amendment proposed by the Hon'ble Minister.

Mr. SPEAKER: Not now. I will give you an opportunity to do so after prayer.

Mr. SIBNATH BANERJEE: Sir, I gave notice of an amendment—

Mr. SPEAKER: I am afraid you will have to take it back and tell me where it has to be put. Shall I put it in, say, clause 20 or 21?

Mr. SIBNATH BANERJEE: No, Sir, in clause 3.

Mr. CHARU CHANDRA ROY: Section 3 after 1(*b*).

Mr. SPEAKER: But section 3 has been over. How can you put it there now? That clause cannot be reopened!

Mr. SIBNATH BANERJEE: We can add another section, however.

Mr. SPEAKER: In that case, you will have to give fresh notice.

The House was then adjourned for 20 minutes.

(After adjournment.)

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় 6B clause সম্বন্ধে মন্ত্রীমহাশয় আজ যে সংশোধনী প্রস্তাব এনেছেন আমি সেটাতে আপত্তি উপস্থিত কর্ছি এবং সঙ্গে সঙ্গে নিম্নলিখিত সংশোধনী প্রস্তাব place কর্ছি। আমার সংশোধনী প্রস্তাব হোচ্ছে এই—

Nine members to be elected by the members of the Bengal Legislative Assembly and two members to be elected by the members of the Bengal Legislative Council by the method of single transferable vote to represent the jute-growers and the workers in the jute mills of Bengal.

Select Committeeর report আপনারা পেয়েছেন। মাননীয় Speaker মহাশয়, তাতে গভর্ণমেন্টের একজন, jute মিল এবং ঐ industry সম্পর্কিত তিনজন এবং পাটচাষীদের প্রতিনিধি পাঁচজন—এই কয়জন Advisory Committeeর member হবে এবং গভর্ণমেন্টই এদের সকলকে মনোনয়ন করবেন এইরূপ recommendation করা হয়।

আমরা প্রথম থেকেই এই মনোনয়ন প্রথার বিরোধিতা করে আন্দোলন কোরে এসেছি। অবশ্য এইরকম House এ যাকে packed House বলে তাতে এই আন্দোলনের ফল বিশেষ কিছু হবে না। কিন্তু যারা কৃষক তারা চায় যে তাদের যারা প্রতিনিধি তারাই তাদের সম্বন্ধে বিচার করুক এবং তাদের সুখ স্বাচ্ছন্দ্য সম্বন্ধে আলোচনা কোরে তাদের নির্দ্দেশ দিক। কিন্তু সব জায়গায় nomination প্রথায় যে ফল হয় এক্ষেত্রেও তাই হওয়াই সম্ভবপর।

গভর্ণমেন্ট Central Jute Committeeতে যে সমস্ত প্রতিনিধি nomination কোরেছেন আমি জানি না তার মধ্যে পাটচাষীদের প্রতিনিধি আছেন কি না। তবে একথা বলা যায় যে যারা এই Assemblyতে গভর্ণমেন্টের বিরোধিতা কোরে থাকে তারা সম্পূর্ণভাবে বাদ পোড়ে যায় এই nomination এ। আজ Central Jute Committeeতে বাংলা গভর্ণমেন্ট যে সমস্ত member nomination কোরে পাঠিয়েছেন তার ভিতর গভর্ণমেন্টের বিরুদ্ধ দলের কেউ নেই। যাঁদের পাঠানো হোয়েছে তাঁদের Jute Enquiry Committeeর member হওয়ার উপযুক্ত মনে কোরে করা হয় নাই, অথচ তাঁদেরই Central Jute Committeeর member কোরে পাঠান হোল। এইজন্য আমি চাই আপনারা মনোনয়ন প্রথা উঠিয়ে দিয়ে নির্ব্বাচন দ্বারা প্রতিনিধি স্থির করুন। মনোনয়ন প্রথায় যে বিষ আছে তা আপনারা সকলেই অবগত আছেন। আমি চাই আপনাদের সামনে এই প্রস্তাব উপস্থিত করছি যে mill-owners, shippers এবং balers এদের মধ্যে থেকে যে কয়জন সদস্য হবেন গভর্ণমেন্ট তাদের মনোনয়ন কোরবেন কিন্তু পাটচাষীদের সদস্য তাঁরাই নির্ব্বাচিত কোরবেন যাঁরা পাটচাষীদের প্রকৃত প্রতিনিধি। এই House এর ২৫০ জন মেম্বরদের ভেতর অন্ততঃ ২০০ জন পাটচাষীদের প্রতিনিধি আছে—তাঁরাই নির্ব্বাচিত কোরে দিন পাটচাষীদের প্রতিনিধি।

মাননীয় Speaker মহাশয়, এই জায়গায় আমি একটা কথা বোলতে চাই। (A MEMBER OF COALITION PARTY : আপনার কথা অরণ্যে রোদন হবে।) আমার অরণ্যে রোদন করার অভ্যাস আছে। যাঁরা আজ এই কাজ কোরছেন তাঁদের বিচার এখানে হবে না তাঁদের বিচার হবে তাদের কাছে যারা তাদের এখানে পাঠিয়েছে। আমার মতে ১১ জন পাটচাষীদের প্রতিনিধি উপদেষ্টা হিসেবে গভর্ণমেন্টের সঙ্গে থাকা উচিত। আমি জানি না গভর্ণমেন্ট কেন এই সংখ্যা কমাতে চান। আর আমি জানি না এবং বুঝি না গভর্ণমেন্ট মনোনয়ন কোরে এই প্রতিনিধিত্বের দাবী কেন নষ্ট কোরতে চান। তার একমাত্র কারণ, হোচ্ছে

পারে যে মনোনয়নের দ্বারা গভর্ণমেন্ট সেই সমস্ত প্রতিনিধিই পাঠাবেন যারা গভর্ণমেন্টের ইচ্ছানুসারে চোলবে, এবং মন্ত্রীমহাশয়ের আদেশ তাঁরা শিরোধার্য্য কোরে নেবেন। এতদ্বারা পাটচাষীদের কোন উপকার হবে বোলে মনে করি না। আমি মনে করি এতে আমাদের বন্ধুদের যারা আমার বাঁয়ের বাঁয়ে বসে আছেন তাঁদেরই কেবল উপকার হোতে পারে অর্থাৎ আমাদের শেতাঙ্গ বন্ধুদের উপকার হোতে পারে, আর কারুর উপকার হবার সম্ভাবনা নেই। সেইজন্য আমি চাই এই প্রতিনিধিরা নির্ব্বাচিত হউন এবং এই প্রতিনিধি সংখ্যার বৃদ্ধি করার হেতু হোল এই যে যত বেশী প্রতিনিধি হবে তত বেশী যায়গার মতামত গভর্ণমেন্ট জানতে পারবেন। যদি মাত্র ৫।৬ জন প্রতিনিধি নেওয়া হয় বাংলার পাঁচটি বিভাগ হোতে তা'হোলে এই সব প্রতিনিধিদের পক্ষে বাংলার সব জেলার খবর জানা সম্ভবপর হয় না।

আমি যখন Jute Enquiry Committeeর কাজে বাংলাদেশ ভ্রমন করি—অবশ্য আমার ভাগ্যে ছিল মধ্য বঙ্গ—, পাট-চাষ সম্বন্ধে অনেক কথা যা আমি জানতাম না তা নিজের চোখে দেখেছি। প্রতিনিধির সংখ্যা বেশী হোলে বাংলার প্রত্যেক জেলার প্রতিনিধিত্ব করবার দাবী থাকবে। যে সমস্ত জেলায় পাট জন্মায়, পাট যে সমস্ত জেলার একমাত্র সম্বল, নির্ব্বাচন প্রথা থাকলে সেই সমস্ত জেলার প্রতিনিধিরা ভোটে নির্ব্বাচিত হোয়ে যেতে পার্ত্তেন কিন্তু মনোনয়ন প্রথায় সে ভরসা নেই। গভর্ণমেন্ট অবশ্য বোলবেন তাঁরা যাদের পাটচাষীদের প্রতিনিধি হিসেবে মনোনয়ন কোরবেন Advisory Committeeতে তাদেরই সংখ্যাধিক্য হবে। কিন্তু আমি বোলতে চাই ১১ জনের যায়গায় ১৫ জন প্রতিনিধি হোলে বিশেষ ব্যাঘাত জন্মাবে না। তা ছাড়া এই সব প্রতিনিধিরা Assembly এবং Council এর মেম্বারদের transferable voteএর দ্বারা নির্ব্বাচিত হোলেও বিশেষ আপত্তি থাকতে পারে না। এই ব্যবস্থার দ্বারা Europeanরা, Independentরা, কংগ্রেসী সকল দল হোতেই প্রতিনিধি পাঠানোর সুবিধা হবে। কিন্তু মনোনয়ন প্রথায় সে সুবিধা নেই। এটার জাজ্বল্য প্রমান দেখা গেছে Central Jute Committeeর প্রতিনিধি মনোনয়ন ব্যাপারে। আজ আমি তাই আপনাদের সামনে প্রস্তাব কোরছি—9 members to be elected by the members of the Bengal Legislative Assembly and two members to be elected by the members of the Bengal Legislative Council by the method of single transferable vote to represent the jute-growers and the workers in the Jute Mills of Bengal

আমি এই প্রস্তাবের দ্বারা গভর্ণমেন্টের আনীত সংশোধনী প্রস্তাবের বিরোধিতা কোরছি।

মাননীয় স্পীকার মহোদয়, আমি আপনার through দিয়ে এই Houseএর মেম্বারদের অনুরোধ কোর্চ্ছি তাঁরা যেন গভর্ণমেন্টের সংশোধনী প্রস্তাব অগ্রাহ্য কোরে আমার প্রস্তাব গ্রহন করেন।

Babu PREMHARI BARMA: The main question in this clause is whether the Advisory Board which will be constituted should be elected or should be nominated by the Government. Sir, this Board will have to perform the most important function in respect of the regulation of jute. It will be dangerous for the interests of the jute-growers of Bengal if this important body be a mere tool in the hands of the Government. This body will be an important body inasmuch as on its advice the Government will fix the proportion which the total area of land on which jute may be grown shall bear to the total recorded area of land on which jute was grown in some previous year or years.

If the members of this Advisory Body are all nominated members, then there is hardly any necessity of such a Board. The members of this Board being nominated members, will be mere tools in the hands of the Government and they will hardly look to the interests of the jute-growers.

Sir, an Advisory Board to the Government shall consist of such members who will be able to act independently and who will not look for any favour either from the Government or from the Ministers. If the members are nominated, then it is sure that those who are blind supporters of the Government or those who dance attendance on the Hon'ble Ministers will be nominated. Such men cannot be well-wishers of the jute-growers, nor can they really represent the jute-growers. If this Advisory Board should consist of appointed members only, then such a nominated Board should not be formed at all. Let the Government do the job which is going to be placed on this body of sycophants only. It is entirely strange that this Government which is claiming to be a democratic Government, should be fond of nominations and should try to be the custodians of the interests of the people, as if the people or the jute-growers have not the ability or wisdom to select their representatives.

Again, Sir, sub-clause (c) also provides that the Government's representative should be the Chairman of this Board. I do not understand why too much importance should be given to the representatives of the Government. It will be entirely just and proper, if the Board itself should elect its Chairman, whether he be a representative of the Government or a representative of the jute-growers, millers, balers or shippers.

Now, Sir, by my amendments Nos. 150 and 151, I want that members of this Board must represent all the divisions. If this is not done, then all parts of Bengal will not be represented. So, by amendment No. 150, I propose that ten members, two from each division, be elected by the members of the Bengal Legislative Assembly, representing their respective divisions. If the Government say that the number of members on the Board will be a large one if 10 members are elected, 2 from each division, then my alternative proposal I have put in my amendment No. 151, viz., that 5 members, 1 from each division, be elected by the respective members of the Bengal Legislative Assembly of each division. If that is not done, then the body will not be a representative one.

In conclusion, I may say that as the Board will be a very important body, the system of nomination should not be given preference in this case, but the members should be elected by the representatives of the people. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. SIBNATH BANERJEE: Sir, I rise to support the amendment No. 304 which stands in the name of Mr. Charu Chandra Roy.

If such a beneficial measure as the jute regulation, whose scope extends to thousands of square miles and which will affect 10 millions of peasants and crores of members of their family, is to be effective, then it is obvious that the willing co-operation of jute-growers is necessary. But from the way in which the other day another measure was passed that jute committees will be formed not by the jute-growers themselves but by the Government, we feel very much apprehensive that measures like this will not be effective. Either the Government is not serious in its business or lacks the brain to adopt such measures which may be effective in bringing about regulation of jute which is desired equally strongly by this side of the House In this connection, I may mention that last year when we were demanding that let something be done, but nothing was done by the Government. But all on a sudden, through inspiration from somewhere, the Government started, by promulgating an ordinance, to take record of the jute lands and that was done at a time when there was no jute on the fields and no stalks of jute could even be found. So the enumerators, inspectors and recorders had to rely on rumours and tales of villagers for their recording work and the natural result was that in some places of which I have personal knowledge, there has been inaccuracy in recording to the extent of more than 50 per cent.—

Mr. SPEAKER: Are you finishing your speech on the third reading? You had better confine yourself to the motion.

Mr. SIBNATH BANERJEE: Sir, a few words more and I will finish.

Now, the Coalition Party itself is most probably feeling that the recording has been a farce and, therefore, there is an attempt to extend or give 21 days' time so that there may be some correction in the records that were prepared last year. Even after this, the result will be only 25 per cent. more correct and there will still remain 25 per cent. inaccuracy in the records In an important matter like this, if there is to be regulation, increase or decrease of the acreage, this 25 per cent inaccuracy will cause a wholesale failure in our regulation Therefore, when the records are likely to be 20 or 25 per cent. inaccurate, after this year's correction, the recording that has already been done, has been an absolute waste, and it has involved a loss of 7 lakhs of rupees of the poor tax-payers.

Now, the best way of getting the co-operation of the House has been spoiled by the Government in passing that measure of appointing Union Jute Committee in the teeth of opposition of this side of the

House. The best alternative is now to take this House at least into confidence and get the co-operation of this House so that at least to a certain extent, the mistake committed before may be rectified, and the best method of getting the support and willing co-operation of this House would be to elect the members by the members of this House itself and the single transferable vote will give the new advisory body the respective strength of the parties here. We do not say that we represent the jute-growers more than anybody else, but we represent them equally and therefore if all those who are here if they elect a body by means of the single transferable vote, that body will reflect the voters at least if not all the jute-growers of Bengal.

Coming to the amendment Nos. 144-46, the amendments tabled by the European Group, I must vehemently oppose them. But to our utter surprise we find that the Hon'ble Mr Tamizuddin Khan has tabled an amendment, No. 307, to the same effect That is an abject surrender on behalf of the Minister to the European interest. According to the single transferable vote systems, if the body is to be 15 and not 11, the Europeans cannot even expect to get more than 2 seats in that body, but in a body of 11, it is being proposed by the Hon'ble Minister to give as many as 4 seats to them. Even the number of seats that has been given to them in this House is preposterous As has recently been pointed out by Mahatma Gandhi; the Britishers do not require any protection by this House They have their own bayonets or they can hire Indian bayonets to protect their interest. If that is not sufficient for them, votes will not be sufficient to protect their interest. One of the pillars of imperialism, one of the greatest obstacles to our attaining independence is the European vote here. We are told that the Britishers are fighting for democracy, and we are asked to support the War to save democracy But where is democracy? How many Europeans are here in Bengal to get 30 seats in this House and 4 seats in the Advisory Committee? I say it is absurd, and it is still more absurd when this proposal comes from an Hon'ble Minister like Mr. Tamizuddin Khan who was once one of the leaders of the Krishak Proja Party

We know that these Europeans have been putting forward all sorts of stories and bogies and fallacious arguments to prevent any step being taken to secure better prices for jute by the cultivators. They say that if the prices go high, substitutes would come. But for the last 25 years we have been hearing of substitutes; but they are nowhere to be seen, not at least in any appreciable degree, to challenge the supremacy and monopoly of jute in the world.

Then they have been talking that peasants are already getting sufficient price, and in comparison with the production of paddy, they are getting very fabulous price for jute. All these we know are

absolutely false. We have known through the Jute Enquiry Committee that the jute cultivators do not get in most cases even the cost of production. All these have been deliberately propagated but the so-called popular Government of to-day are forced into such a position as they have either to accept their suggestions or go to the wilderness.

Sir, I cannot understand why there should be sudden departure from what has been passed in the Select Committee. I can quite understand, the European members pressing for more seats because everybody wants more vote. But when the proposal comes from the Hon'ble Minister, it is nothing short of a betrayal of the interests of the jute-growers.

Sir, I would like to say one word about the jute-growers for whom representation has been demanded in the amendment moved by Mr. Charu Chandra Roy. It has been said elsewhere why should the jute-growers get representation there? I say that if the jute mill-owners, the balers and the shippers can come with a proposal for 4 seats, certainly the 3 lakhs and odd jute-workers can at least want 4 times or 10 times as many seats as the European community like to have. I will just show what it comes to. Five crores of maunds of jute are approximately grown in Bengal which if the price is as it is prevailing now at the rate of Rs. 15 per maund will be about 75 crores. But out of the 3 crores of maunds of jute the price of the manufactured hessian or the gunny will be approximately double, *i.e.*, about 90 crores. So 3 lakhs of people are producing wealth to the extent of 45 crores, *i.e.*, they are producing wealth worth about Rs. 1,500 per head. So taking the contribution of the 3 lakhs of jute-workers to the production of wealth, it is surprising that anybody should challenge that they should not get representation or that they should get representation less than the jute mill-owners. You cannot also claim more representation on the score of capital that has been invested. That capital has been many times paid up. The workers have fully compensated the capital long ago and therefore you cannot make any further claim. So on the basis of democracy you can only claim whatever seats you can have. I am not bringing in the question of nationalisation, but I do bring in the question of rationalisation of the jute industry. The Europeans cannot claim 4 seats out of 11. Those 4 votes will not be really 4 votes only as the European members sitting here know very well. Those 4 votes will be the stumbling block to anything advantageous to the jute-growers because they stand to lose the most by any improvement of the condition of the jute-growers. As I have already said, I do not blame them, but I do blame anybody of this province who supports that measure or who stands against the interests of the jute-growers or the jute-workers.

I thank, however, the European members for tabling amendments Nos. 162-64. These are exactly the difficulties that are experienced were experienced in the Jute Enquiry Committee. We do not get the facts, we do not get the figures, we do not get the necessary documents. We cannot go anywhere near the jute mill area. The ordinance will keep us away. I hope, this proposal, as it has come from them will be passed, and I welcome it.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I would like to speak a few words on behalf of my party. I beg to support the amendment moved by my friend Mr Charu Chandra Roy, because I consider that the committee contemplated, if it materialises, will be one of the most important bodies in Bengal Speaking of this committee the Hon'ble Mr. Suhrawardy in his finance speech stated that in order to ascertain the best ways and means of securing this object (meaning the guiding of the peasantry of Bengal), an expert committee will shortly be appointed to which will be entrusted a matter only less important to the prosperity of the province than that now under enquiry by the Land Revenue Commission -

Mr. SPEAKER: Mr Sarkar, is that your interpretation?

Maulvi ABU HOSSAIN SARKAR: I am quoting from the Budget Statement of Mr. Suhrawardy.

Mr. SPEAKER: What I am asking is, are you thinking that the committee is being constituted under this Act?

Maulvi ABU HOSSAIN SARKAR: Yes, Sir. I am quoting a few lines of that statement:

"Government have now definitely embarked on a policy of compulsory control of jute production, as they feel that the agriculturists should be given adequate guidance to enable them to secure a profitable return. In order to ascertain the best ways and means of securing this object, an expert committee will shortly be appointed to which will be entrusted a matter only less important to the prosperity of the province than that now under enquiry by the Land Revenue Commission."

Mr. SPEAKER: You can argue like that I cannot help it

Maulvi ABU HOSSAIN SARKAR: However, Sir, if it be not that committee, the committee contemplated by this amendment will be a very important one, but its constitution is going to be made in a queer way. I challenge the Hon'ble Minister to show whether in

this province there is any important body of which he knows in which all the members are appointed by the Government. If we look into the constitution of all important bodies, we shall find that they at best follow a mixed procedure—some members appointed by nomination and some are elected. But here, the members of the committee are going to be appointed by the Government.

Further, Sir, I submit that the principle enunciated in this amendment of the Hon'ble Minister of Agriculture goes directly against the principle of the Government of India Act, 1935. In that Act we find that in the Legislature of this province no provision has been made about nomination, and if an important body like this committee is constituted in that way, I submit, Sir, that it will go directly against the principle of the Government of India Act. It is the principle nowadays to make all bodies democratic. The British Government are supposed to fight for democracy, but here in Bengal we find that democracy is going to be trampled upon and all the members of an important body like the committee contemplated are going to be appointed by Government.

With these words, Sir, I oppose the motion of the Hon'ble Minister and support the amendment moved by my friend Mr. Charu Chandra Roy.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr Speaker, Sir, I beg to oppose the amendment of Mr. Charu Chandra Roy. (A Congress member: "Good! good!)" I find that many honourable members opposite have a morbid desire to indulge in unreal criticism, and it is very difficult to deal with unreal things like that.

Mr. CHARU CHANDRA ROY: On a point of information, Sir. What about the Central Jute Committee?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have hardly begun, and my honourable friend is interrrupting me. (Laughter.)

Mr. SPEAKER: Don't ask questions about unrealities. (Laughter.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Anyone who has thought over the matter cannot miss the fact that this body is going to be an expert body, because they will have to advise the Government as to what should be the extent of reduction or expansion of a particular year's jute crop; and those from whom Government can expect to get this advice must be conversant with the facts regarding the world demand of jute and various other things. Unless that committee is an

expert committee, what kind of advice will they be able to give to Government? (At this stage Babu Narendra Narayan Chakraverty made an interruption.)

Sir, my friend Mr. Abu Hossain Sarkar has said that Government is giving the go-bye to the principle of democracy. I have already stated, Sir, that the members on this side of the House have not brains enough to understand the implications of his statement. (Maulvi ABU HOSSAIN SARKAR: I am sorry for it!) He says that everywhere such committees are either wholly elected or at least partly elected. I challenge Mr. Abu Hossain Sarkar to show that an expert advisory committee is ever elected. I beg to submit, Sir, that he has put forward an absurd proposition from which any sane man cannot but differ. (Maulvi ABU HOSSAIN SARKAR: A sane man also requires some understanding!) Members on the opposite, particularly Mr Sibnath Banerjee, said that European representation is being increased (Mr SIBNATH BANERJEE: Do you challenge it?) What is the representation? Representation of pucca balers, kutcha balers, shippers of jute and also representation of manufacturers. At present the majority of them are no doubt Europeans, but they are not all Europeans It is absurd to say that we are giving increased representation to Europeans. (An Opposition member: "Why so?") If my friend will listen to me, he will find that there are four categories of people who are concerned with jute, and I think -

(At this stage Babu Narendra Narayan Chakraverty made another interruption.)

Mr. SPEAKER: Mr Chakraverty, I am afraid you are making too many interruptions I have already given you a warning This is not the way in which Parliament can function at all. If you do not want it to function, surely this is not the method that you have to proceed If you want to participate in the debate, you must understand each other's views, but every time the Hon'ble Minister is speaking you are obstructing him You will have your chance at the time of the third reading I hope you will allow the Hon'ble Minister to proceed without any further interruption

The Hon'ble Mr. TAMIZUDDIN KHAN: Then, Sir, it has been said that the Ministry has proved reckless by giving a go-bye to the recommendations of the Select Committee I fail to understand, Sir, how the recommendations of the Select Committee are being given a go-bye. The Select Committee recommended that there should be three representatives of those people The present proposal is that there should be four and, at the same time, Government is proposing that the representatives of the jute-growers will be correspondingly increased by one. Therefore, Sir, in substance the proposal of the

Government is the same as the recommendation of the Select Committee. On the other hand, the proposal that my friend Mr. Charu Chandra Roy has put forward for constituting an Advisory Board goes against the recommendation of the Select Committee, because nowhere in the Select Committee's report will he find that the members of this Board should be so many as Mr. Roy is now recommending or that they will be elected at all. I submit, Sir, that the amendment of Mr. Roy cannot be supported from any point of view, and I oppose the same.

There is another point. Mr. Premhari Barma has moved two amendments. I oppose them, and I need not say anything further regarding those amendments than what I have said already.

There is one amendment by Mr. Morgan, namely, amendment No. 140, to the effect that "in clause 6B (*1*) (*a*), line 2, after the word 'Government' the words 'who shall be an official' be inserted." That amendment also I oppose, because the Chairman will be the Government representative on the Board and therefore there is no necessity for this amendment whatsoever. Most likely he will be an official, but the road is not closed to a non-official being elected as Chairman if one is found to be fit for discharging the duties of the Chairman of the Board.

There is another amendment, namely, amendment No. 162 So far as that amendment is concerned, it is partly acceptable to Government. This amendment says that after clause 6B (*2*) the following new sub-clause be added, namely:—

> "(*3*) the Advisory Board shall have such functions and powers to compel attendance of witnesses and production of documents as may be prescribed."

But I am not in favour of a part of it in so far as it seeks to leave the functions of the Boards to be decided or prescribed by rules, for that goes against all recognised principles of legislation. The functions of any Board cannot be left to be decided by rules by Government later on. If any function has to be laid down for any Board this had better be defined by a suitable provision in the body of the law. Therefore, Sir, if you permit me I would like to move a short-notice amendment outright, or if you are not disposed to permit me to do that, I may put in an amendment to-morrow. I have an amendment ready. My amendment is to this effect that, so far as the power of compelling the attendance of witnesses and the production of documents is concerned, that may be left to be decided by rules. There is no objection to that, but so far as the duties and functions of the Board are concerned, our proposals are that they should be defined in the Act itself. I would briefly——

Mr. SPEAKER: I take it that Mr. Morgan's amendment with a slight modification will meet your purpose, namely, that the Advisory Boards shall have such powers to compel attendance of witnesses and production of documents as may be prescribed.

The Hon'ble Mr. TAMIZUDDIN KHAN: Well, Sir, that meets my purpose only partly. I would also like to say that so far as their duties are concerned, we may also include that and define that in the body of the Act ——

Mr. SPEAKER: As late as this stage? I think I can hardly allow that.

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, Sir, on principle you are quite entitled to say that, but their duties are of a simple character. Then my amendment would read thus: The duties of the Advisory Boards shall be to advise the Provincial Government in respect of matters refererd to them in section 7 and to advise the Provincial Government in regard to any matter which may be referred to them by the Provincial Government from time to time.

Mr. SPEAKER: After all, the report of the Select Committee had been with the Government for a very long time. An omission of this important character should not have been allowed to remain unnoticed for such a length of time. I quite realise that there is a defect in the present draft, namely, that you have constituted an Advisory Board but you have not defined its functions except in section 7. I have noticed that in almost every legislation it has here become the practice at the last stage to put in things like this, and this practice is becoming too frequent. (Dr. NALINAKSHA SANYAL: "Or rather scandalous.") Had it not been a very important Bill, had I not known that this Bill affects the poor jute-growers very vitally, I would not have allowed these last-minute amendments. Had it not been for this reason I would not have done so, but I may tell you that it is against all parliamentary practice and procedure.

Mr. JOGESH CHANDRA GUPTA: May I submit, Sir, that if we get last-minute amendments like these our past experience shows that at the end we find that these last-minute amendments are not in consonance with the other provisions of the Bill; there is always this difficulty; and particularly we should have notice with regard to these matters so that we can also consider these amendments in all their bearings.

Mr. SPEAKER: I suggest to the Hon'ble Minister to put in an amendment not to this clause but to put in an altogether new clause defining the functions of the Provincial Board.

Dr. NALINAKSHA SANYAL: May we submit, Sir, in view of the pronouncement you have made and the repeated mistakes of this character, that Government should consider the desirability of appointing a suitable Indian officer with judicial expericence, as draftsman, because it appears that the present officers have all failed to help Government in drafting Bills in a proper manner?

Mr. SPEAKER: Order, order. Now what I suggest is that the Hon'ble Minister put in another amendment as Clause 6C.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I would make my position clear. So far as my proposed amendment to define the duties of the Board is concerned, I do not consider this amendment to be as essential one. Therefore, I am not unwilling to omit that, because we have already got in the Bill a provision that the Board will advise Government as to the extent of the regulation. Therefore, as to the power of the Board to give advice regarding matters referred to them, that will work automatically without there being any provision like this.

Mr. SPEAKER: I know that. When you are passing an Act you may make some provision without legislative authority under your rule-making powers. But if there is a statutory body without such power, then that body can only be utilized for a statutory, purpose. It is quite open to Government to consult them in any other matter, and I think it is the parliamentary practice that in case you intend that body to be utilized for a comprehensive purpose then there must be some section to that effect. But if you tell me that you propose to consult the Board not merely as regards proportion, but also in other matters that Government might place before them, well, if that is your intention then I must say that it becomes much wider than what it is in the Bill.

The Hon'ble Mr. TAMIZUDDIN KHAN: As you have said, Sir, if you want me to give fresh notice, I shall do that.

Mr. SPEAKER: I should have ordinarily thought that when a Board or a body has been constituted, there were bound to appear some sections in the Act which are essential for the existence of that body, namely, their tenure, the method of their election or nomination, and their functions.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, all these can be determined by rules.

Mr. SPEAKER: But you have nowhere said that the functions of the Board shall be determined by rules!

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact, Sir, my honourable friend is moving this amendment, and that at short notice, in order to make that point clear. Everybody in this House must admit that it is a matter of some importance The question is the question of procedure—how this can be done There can be no difficulty if this matter is considered later on.

Mr. SPEAKER: I am not saying that. Perhaps the Hon'ble the Chief Minister has misunderstood my point. My point is that we have seen of late that there are so many short-notice amendments, because the draft is not complete. If Government will please calculate how many short-notice amendments I have had to admit because of defective drafting, they will find that there have been brought forward numerous amendments at short notice to rectify defects in their original drafts. In the present case you have constituted a Board but have not defined its functions, which is intended to be done now at almost the last stage.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is not unusual - -

Dr. NALINAKSHA SANYAL: May I point out, Sir, that even printing mistakes were not noticed at the beginning - -

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, if every sentence that is uttered on this side of the House is interrupted or contradicted from that side of the House, then it is impossible for us to proceed. It is not necessary that whatever we say from this side should be contradicted by that side. Therefore, I appeal to you, Sir, that all these running comments on our speeches be not allowed.

Now, Sir, what I was submitting is this: It is true that short-notice amendments are being put in in large numbers As you yourself have pointed out, it is a Bill of such importance that some relaxation of the rules should be allowed, and you have been pleased to do so. It is nothing unusual, Sir, for defects to be found in a Bill which has been drafted under great pressure of time, and which is presented before the House under extraordinary circumstances Therefore, I do not think anyone in this House would object to short-notice amendments being brought up if they improve matters, because we are all agreed that we should make this Bill something which will benefit the cultivators.

Mr. SPEAKER: To avoid this, I think that the best thing would be to take out for the time being amendments Nos. 162-64, standing in the

name of Mr. Morgan and keep them pending and allow the Hon'ble Minister to move by a short-notice amendment a new clause defining the functions of the Board.

Mr. M. SHAMSUDDIN AHMED: May we know, Sir, when this amendment is to be taken up?

Mr. C. MORGAN: Do I understand, Sir, that the Hon'ble Minister will move an amendment in which he thinks that his wording will be better than mine?

Mr. SPEAKER: Let us hope so.

Mr. C. MORGAN: Or perhaps he would only introduce some changes in phraseology!

The Hon'ble Mr. TAMIZUDDIN KHAN: With these few words, Sir, I oppose the amendment.

Mr. SPEAKER: I had better put Mr. Charu Chandra Roy's amendment first, for that is practically the crux of the Opposition demand.

The motion of Mr. Charu Chandra Roy that for paragraph (*c*) of sub-clause (*1*) of clause 6B the following be substituted, namely:—

"(*c*) nine members to be elected by the members of the Bengal Legislative Assembly and two members to be elected by the members of the Bengal Legislative Council by the method of single transferrable vote to represent the jute-growers and the workers in the jute mills of Bengal,"

was then put and a division taken with the following result:—

AYES 66.

Abdul Jabbar Pelwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Akimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Nalim Chandra.
Das, Babu Radhanath.
Das, Mr. Mohimohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Narendra Nath.
Dutta, Mr. Subhamar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghosh, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.

Jonab Ali Mojumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kunde, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mishra, Mr. Krishna Prasad.
Mazirazzaman Islamabadi, Maulana Md.
Moqbul Hossain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Nem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Puti.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.

NOES—113.

Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Kader, Mr. (alias Lal Mesh).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdul Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Badrudduja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Brown, Mr. A. O.
Clerk, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kiril Bhusan.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Reza Choudhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Qunder, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Dember Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maringin, Mr. F. J.
Miles, Mr. G. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra of Cossimbazar.
Nasratullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Nasruddin, Mr K.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafder, Maulvi.
Rasser Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Sahabe Alam, Mr. Syed.

Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yusuf Ali Choudhury, Mr.

The Ayes being 66 and the Noes 113 the motion was lost.

The motion of Mr. Birendra Kishore Roy Choudhury that for clause 6B(*1*), the following be substituted, namely:—

"6B. (*1*) The Provincial Government shall constitute an Advisory Board which shall consist of—

(*a*) the Minister in charge of Agriculture, and

(*b*) eight members appointed by the Provincial Government according to rules framed by the same authority for the purpose and the Minister in charge of Agriculture shall be the Chairman of the Advisory Board."

was then put and lost.

The motion of Mr. G. Morgan that in clause 6B(*1*) (*a*), line 2, after the word "Government" the words "who shall be an official" be inserted, was put and lost.

The motion of Mr. G. Morgan that in sub-clause (*1*) of clause 6B, for paragraph (*b*), the following be substituted, namely:—

"(*b*) four members appointed by the Provincial Government to represent respectively the manufacturers, pucca balers, kutcha balers and shippers of jute in Bengal, and";

was then put and agreed to.

The motion of Mr Maqbul Hossain that in clause 6B(*1*)(*b*), line 1, for the word "three" the word "one" be substituted, was then put and lost.

The motion of Babu Premhari Barma that for clause 6B(*1*) (*c*) the following be substituted, namely:—

"(*c*) ten members, two from each division, elected by the members of the Bengal Legislative Assembly, representing their respective divisions,"

was then put and lost.

The motion of Babu Premhari Barma that for clause 6B(*1*)(*c*) the following be substituted, namely:—

"(*c*) five members, one from each division elected by the respective members of the Bengal Legislative Assembly of each division,"

was put and lost.

The motion of Mr. Nikunja Behari Maiti that in clause 6B(*1*) (*c*) for the words "five members appointed by the Provincial Government to represent the growers of jute in Bengal" the words "five members—one from each Division of the Province elected by the members of the Bengal Assembly from amongst themselves to represent the growers of jute in Bengal" be substituted, was then put and lost.

The motion of the Hon'ble Mr Tamizuddin Khan that in sub-clause (*1*) of clause 6B, in paragraph (*c*) for the word "five" the word "six" be substituted, was then put and agreed to.

The motion of Mr Maqbul Hossain that in clause 6B(*1*)(*c*), line 1, for the words "five members appointed by the Provincial Government" the words "seven members elected by the members of the Bengal Legislative Assembly" be substituted, was then put and lost

The motion of Mr Ramizuddin Ahmed that in clause 6B(*1*)(*c*), line 1, for the words "appointed by the Provincial Government" the words "elected by Legislative Assembly by means of single transferrable vote" be substituted, was then put and lost

The motion of Mr. Premhari Barma that in clause 6B(*2*), in line 4, after the word "prescribed" the words "by rules made with the approval of the Legislature" be inserted, was then put and lost.

Mr. SPEAKER: Mr Morgan's amendment will be treated as a fresh amendment I am leaving out clause 6B, and I will not put it till the new draft comes in So all the amendments except that of Mr Morgan are disposed of

Now that we have finished clause 6, could we take up amendment No. 75 for discussion to-day and not for voting? We will continue to-morrow so that different points of view might be discussed in the House. This is a very important amendment and what I am anxious about is that there should be some debate to ascertain the views of the different sections of the House on this amendment.

Mr. CHARU CHANDRA ROY: Sir, এই amendment আজ না লইয়া কাল নিলে ভাল হয়।

Mr. SPEAKER: I have no objection if it is taken up to-morrow. What I propose to-morrow is that whatever may be the nature of the other amendments, we take up amendment No. 75 for the purpose of discussion and carry it over the next day.

The Hon'ble Mr. TAMIZUDDIN KHAN: If it is taken up to-day, it may be finished to-morrow.

Mr. SPEAKER: What I fear is that amendment No. 75 may not be finished to-morrow as we are anticipating. That is one clause op which it is likely that the Hon'ble Mr. Tamizuddin Khan or somebody else will put a little push here and a little push there. So in order to give opportunity to both sides of the House to discuss the matter thoroughly among themselves and come to a conclusion, we will take up discussion to-morrow and continue it till the next day. What I propose to-morrow is that we first finish all the other clauses and then begin discussion on amendment No. 75 at about 7-15 p.m. and continue till 8 p.m. and carry it over on Monday for final decision.

The Hon'ble Mr. A. K. FAZLUL HUQ: The voting of demands will be taken up on Tuesday next.

Mr. SPEAKER: Now we can take up clause 7 and finish as much of it as possible.

Clause 7.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

Mr. ASIMUDDIN AHMED: Sir, I beg to move that clause 8 (*1*) be omitted.

Mr. CHARU CHANDRA ROY: Mr. Surendra Nath Biswas বাহিরে গিয়েছেন, Sir, আপনার অনুমতি পেলে তাঁর হোয়ে আমি move করতে পারি।

Mr. SPEAKER: ১৭৫নং চলে না।

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I beg to move that in clause 8 (*1*), lines 19 and 20, the words "and on payment of such fee, if any, not exceeding four annas for every acre of the land specified in the licence" be omitted

Babu SYAMA PROSAD BARMAN: Sir, I beg to move that in clause 8 (*1*), lines 19 and 20, for the words beginning with "on payment of such fee" and ending with "in the licence" the words "free of charge" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the first proviso to clause 8 (*1*) be omitted.

Sir, I also beg to move that in the second proviso to clause 8, line 1, the word "further" be omitted

Mr. SIBNATH BANERJEE: Sir, I beg to move that in clause 8 (*1*), lines 19 and 20, for the words "and on payment of such fee, if any, not exceeding four annas for every acre of the land specified in the licence", the words "free of all charges" be substituted

Mr. DHIRENDRA NATH DATTA: Mr Speaker, Sir, the object of this amendment is that there should not be any fee at all. The jute-growers already pay taxes in the shape of jute duty and they should not be further taxed in the shape of licence I think Government will agree that the jute-growers, the tillers of the soil of Bengal, are already overburdened and the fact cannot be questioned that out of 13 or 15 crores of rupees that is realised as the revenue of the Government of Bengal, more than 8 crores of rupees are paid by the tillers of the soil of Bengal. But they do not get the benefit of the administration in proportion to the amount of revenue they contribute to the provincial exchequer. I hope that we all agree irrespective of the party or group to which we belong that the tillers of the soil of Bengal should not be further taxed.

With these few words I beg to place the motion for the acceptance of the House.

Mr. GIASUDDIN AHMED: সভাপতি মহোদয়, আমি এই সংশোধনী প্রস্তাব সমর্থন কোর্তে গিয়ে কয়েকটি কথা বোলতে চাই। আপনারা সকলেই অবগত আছেন যে বাংলার হতভাগ্য পাটচাষীরা tax এর উপর tax বহন কোরে আজ মেরুদণ্ডহীন হোয়ে পোড়েছে। গভর্ণমেণ্টকে যখনই বাংলার কৃষকের উপকারের জন্য কোন কাজ কোর্তে বলা হয় তখনই বাংলাদেশের কৃষকের উপর tax বসান হয়। Primary education নেওয়ার সঙ্গে সঙ্গে বাংলাদেশে education cess বসান হোল কিন্তু primary education এখনও আশানুরূপ প্রচারিত হয় নি। দৃষ্টান্তস্বরূপ আমি মৈমনসিং জেলার কথা বোলতে পারি, সেখানে সমস্ত কৃষকদের নিকট হোতে টাকা আদায় পাচ্ছেন পাচ্ছা

শিক্ষাকর আদায় করা হয় কিন্তু একথা বলা যায় না যে সমস্ত জিলায় প্রাথমিক শিক্ষা প্রসার লাভ কোরেছে। এইরূপে প্রায়ই দেখা যায় যে যখনই কৃষকদের উপর tax বসান হয় প্রকৃতপক্ষে তাদের কিছুই উপকার হয় না। চৌকিদারী tax থেকে আরম্ভ কোরে নানা রকমের tax বাংলার কৃষকেরা বহন কোরে আসছে বৎসরের পর বৎসর। অথচ এতে কৃষকদের প্রকৃত উপকার মোটেই হয় নাই। গভর্ণমেণ্ট তাঁদের নিজেদের সুবিধার জন্যই চৌকিদার, দফাদার রেখেছেন যাতে গ্রামের সংবাদ থানাতে দেওয়ার সুবিধা হয়। আমরা বরাবর এই House এ demand কোরে এসেছি যে বাংলার revenue থেকে চৌকিদার, দফাদারের বেতন দেওয়া হউক তথাপি গভর্ণমেণ্ট এদিকে মোটেই মনোযোগ দেন নাই।

পাট বাংলাদেশের প্রধান ফসল। বাংলার জীবন-মরন সমস্যা পাটের উপর নির্ভর করে। এই পাট-চাষ নিয়ন্ত্রন কোর্ত্তে গিয়ে বাংলার কৃষকের উপর tax বসানোর ব্যবস্থা হোয়েছে। এর-চেয়ে অন্যায় আর কিছু আছে বোলে মনে করি না। এসম্বন্ধে আপনারা জানেন যে Select Committee র মেম্বরদের ভিতর দুইজন মেম্বর note of dissent দিয়েছেন। তাঁরা দেখিয়ে দিয়েছেন বাংলার উৎপন্ন পাট থেকে গভর্ণমেণ্টের ৩ কোটি টাকার উপর আয় হয়। কাজেই যদি পাট নিয়ন্ত্রনের জন্য যদি কিছু খরচ করবার প্রয়োজন হয় তাহলে সেই খরচটা এই তিন কোটি টাকার ভিতর ধরা উচিৎ।

যদি কৃষকদের উপর licence fee চাপান হয় তাহোলে তাদের উপর অবিচার করা হবে। কাজেই আমি বোলতে চাই যে গভর্ণমেণ্ট যে কৃষকদের উপর licence fee বসাবার ব্যবস্থা কোরেছেন এটা সম্পূর্ণ অযৌক্তিক এবং অন্যায়। আমি জানি Coalition দলের অনেক মেম্বর এই licence fee র পক্ষপাতী নহেন এবং Select Committee তে তাঁদের ভিতরের মেম্বর note of dissent দিয়েছেন যে licence fee বসান উচিৎ নয়।

কাজেই আমি House এর কাছে নিবেদন কোচ্ছি যে jute regulation কোর্ত্তে গিয়ে কৃষকদের উপর কোন রকম licence fee বসান উচিৎ নয়।

আমি আপনাদের অনুরোধ কর্চ্ছি যে আপনারা ধীরেন বাবুর প্রস্তাব সমর্থন করুন।

Mr. SYED AHMED KHAN: Sir, আজ কৃষকদের মরণ বাঁচন সমস্যা। কৃষকদের উপর ট্যাক্সের পর ট্যাক্স বসাতে গভর্ণমেণ্ট আরম্ভ কোরেছেন, এবং ফাইনান্স মিনিষ্টারের বক্তৃতায় তার আভাস পাওয়া গেছে। গ্রামে কৃষকদের ভিতর এ নিয়ে একটা হৈ চৈ পোড়ে গেছে। এডুকেশন সেস্ কৃষকেরা দিতে পারছে না; সেই জন্য যে সকল অঞ্চলে এডুকেশন সেস্ বোসেছে সে সব অঞ্চলে আজ বহু কৃষকের ঘরবাড়ী শূন্য হোতে বোসেছে এই সকল টাক্সের জন্য। তাছাড়া নূতন নূতন ট্যাক্স বসাবার কতকগুলি পলিসি দেখা যায় আজকাল। আবার কৃষকদের সুপারি গাছ, নারিকেল ও খেজুর গাছ এবং নানারকম ফলের গাছ গণনা আরম্ভ হোয়েছে। তাই কৃষকদের মনে ভয় হোচ্ছে; তাহাদের পালের গোরু, ছাগল, হাঁস ও মুর্গির বাচ্চা পর্য্যন্ত গুণতে আরম্ভ হয়েছে। আমরা স্বদেশীর সময় বক্তৃতা শুনেছিলাম যে গাছের ট্যাক্স, মাছের টাক্স, বাড়ীর উপরও ট্যাক্স বোসবে, এখন দেখছি হোতেও চোলেছে তাই।

স্থানে স্থানে চিফ্ মিনিষ্টার সাহেব বক্তৃতা দিয়ে বোলেছেন, আপনাদের উপর আর নূতন ট্যাক্স হবে না। কিন্তু ট্যাক্সা ছাড়া সরকারের মুখে কোন কথাই নাই। তার উপর সরকারী কর্ম্মচারীদের ঘুষ আছে। এবং সেইজন্য যেখানে পাটের জমি মাপ হোচ্ছে, সেখানে বহু কৃষকের জমি লেখা হয় নাই। কারণ সেই কাজে যে সমস্ত কর্ম্মচারী নিযুক্ত হয়েছে তার বেশীর ভাগ লোকই ঘুষ খায়। আমি জানি আমার বাড়ীর পার্শ্ববর্ত্তী আছজাম নামে একটী লোক তার কাছ থেকে একটা টাকা, একটা মুর্গি ও কৈ মাছ এই সমস্ত নিয়ে তার পাটের জমি লেখানো হোয়েছে। গভর্ণমেণ্ট জুট কমিটি গঠন

কোরেছেন তাদেরি দ্বারা যারা নাকি কৃষক বা পাটের জন্মদাতা নন, এবং যে এডভাইসরি কমিটি কোরেছেন তার মেম্বররাও কৃষক নন, সুতরাং তাদের কৃষকদের প্রতি কোন দরদ বা প্রাণের টান থাকবে না। এই লাইসেন্সের ফল কি দাঁড়াবে? যারা ছেলেমেয়েদের ভাত যোগাতে পারে না সেই সব কৃষকেরা পয়সা উপায় কোরে লাইসেন্স নিতে পারবে না। সেইজন্য আমি এই হাউসের মেম্বর, মিনিষ্টারদের, কোয়ালিশন পার্টির মেম্বর সকলকেই অনুরোধ কোরছি এ লাইসেন্স আপনারা কেউ support কোরবেন না; কোয়ালিশন পার্টির মেম্বররা এই বোলে গভর্ণমেন্টকে এই বিলে support কোরছেন, কিন্তু আমি challenge দিচ্ছি সেই সমস্ত মেম্বরদের যারা নাকি আজ মেজরিটি তারা সকলে গ্রামে আসুন, গ্রামে যেয়ে কৃষকদের জিজ্ঞাসা করুন, নিজেরা চলুন, মোল্লা মৌলবী নিয়ে চলুন, আমিও তাদের সঙ্গে যেতে রাজী আছি, গিয়ে জিজ্ঞাসা করুন তারা পাটের ট্যাক্স দিতে রাজি কি না। যদি তারা সম্মতি দেয়, তাহলে আপনার যত ইচ্ছা ট্যাক্স করুন আপত্তি নাই। কিন্তু রাজা, মহারাজা, খান বাহাদুর পরিবেষ্টিত কোয়ালিশান পার্টির তপশীল দল সব মিলে য়ুরোপীয়ান সাহেবদের প্ররোচনায় পাটের জন্মদাতা যে কৃষক তাদের গলা কাটা হোচ্ছে। আমি নিশ্চয় কোরে বোলতে পারি যে শতকরা ৯০ জন কৃষক লাইসেন্সের পয়সাও যোগাড় কোরতে পারবে না এবং লাইসেন্সও নিবে না। তার উপর লাইসেন্স অফিসাররাও সাধারণতঃ ঘুষখোর হবে। তার উপর যে সব মেম্বর নিযুক্ত হোতে যাচ্ছে তারা কখনো কৃষকদের স্বার্থ দেখবে না। আর গভর্ণমেন্টের সব বিভাগে ঘুষের প্রথা চোলে এসেছে। থানা অফিসার থেকে আরম্ভ কোরে, চৌকিদার দফাদার থেকে আরম্ভ করে সকল বিভাগেরই অধিকাংশ কর্ম্মচারী ঘুষ খায়। এ অবস্থায় জুট কমিটির যে সব মেম্বর হবে তারা যে ঘুষ খাবে না এ ধারণাই হয় না। সেইজন্য লাইসেন্স ফি ধরা হলেও তা গভর্ণমেন্টের হাতে আসবে না। তার উপর ঐ সব কমিটিতে গভর্ণমেন্টের পদলেহনকারী কালেক্টর ও ম্যাজিষ্ট্রেটের হাতের লোক থাকা ছাড়া কৃষক প্রজার পক্ষের লোক থাকবে না। সুতরাং আমি এই হাউসকে অনুরোধ কোরছি, তারা যেন মন্ত্রীমহাশয়ের প্রস্তাবের বিরোধীতা এবং ধীরেণ বাবুর প্রস্তাবের সমর্থন করেন।

Mr. NIKUNJA BIHARI MAITI: সভাপতি মহাশয়, আমি এই সংশোধনী প্রস্তাব সমর্থন কোরছি। বেঙ্গল গভর্ণমেন্ট অনেক টাকা ইণ্ডিয়া গভর্ণমেন্ট থেকে পান। তারা সেই সব টাকা General administration এ খরচ না কোরে পাট চাষীদের উপকারের জন্যও কিছু খরচ কোরতে পারেন। তারপর যারা নাকি পাটচাষ কোরবে তাদের কেন একটা কোরে লাইসেন্স নিতে হবে—এই লাইসেন্স নিতে হলে তাদের অনেক ঘুষ দিতে হবে। সেইজন্য এটা প্রবর্ত্তন না করাই উচিত। বর্ত্তমানে যখন লাইসেন্স দেবার জন্য কোন ফি নাই তবু লোকদের রেকর্ড অফিসারদের কাছ থেকে রেকর্ড আনতে গিয়ে তাদের দুপয়সা কোরে দিতে হয়েছে। কয়েক ব্যক্তি দরখাস্ত কোরে পাঠিয়েছে "রেকর্ড অফিসার মহাশয় ইউনিয়নে না আসিয়া ৮ মাইল দূরের ১০নং ইউনিয়নের প্রেসিডেন্ট পঞ্চায়েৎ মহাশয়ের বাড়ীতে বসিয়া প্রত্যেক লোকের নিকট রেকর্ড প্রতি দুই পয়সা হিসাবে লইয়া রেকর্ড দিতেছেন, ইহা আইনসঙ্গত কি না।" আর এক চিঠি লোকেরাও লিখিয়াছে গ্রামবাসীগণ রেকর্ড আনিতে যাওয়াতে, প্রত্যেক রেকর্ডে দুই পয়সা করিয়া লইতেছে, গ্রামবাসীগণ প্রতিবাদ করিলে ভয় দেখাইতেছে। দুই পয়সা করিয়া দিয়া রেকর্ড লইয়া দেখা গেল রেকর্ড সব ভুল হয়েছে। কাজেই যখন নাকি কিছু দেবার কথা নাই তখনও প্রকাশ্যভাবে চাষীদের কাছ থেকে রেকর্ড পিছু পয়সা আদায় করা হোচ্ছে সেক্ষেত্রে আমরা মন্ত্রীমহাশয়কে অনুরোধ কোরছি তিনি যেন দরিদ্র কৃষকদের এই কি থেকে অব্যাহতি দেন। তারপর ভবিষ্যতে যদি দেখা যায় যে তাঁদের কর্ম্মচারীরা ঘুষ নিচ্ছে না এবং তাদের কাজে খুব ভাল ফল হোচ্ছে তখন না হয় লাইসেন্স ফি নেবেন। আজকে পাটের দাম বাড়বার নাম মাত্রও কিছু চিহ্ন দেখা যাচ্ছে না। বাড়বে কি না সে ভবিষ্যৎই জানে। বিশেষত গভর্ণমেন্ট যখন অন্য দিক থেকে টাকা পাচ্ছেন তখন আর গরীব চাষীদের প্রতি এ ব্যবস্থার না দেওয়াই সমীচিন।

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I would like to stress one point only for the Hon'ble Minister's consideration. The Bill is supposed to be conceived for the benefit of all persons concerned, namely, the jute-growers, the jute-balers, dealers, shippers and all other persons connected with the trade. But I now see that to benefit all persons only the poor agriculturists are being taxed. What is the reason for this? Will the Hon'ble Minister kindly explain why he is taxing the poor agriculturists leaving aside jute mill-owners, shippers and all other persons having vested interests, and who are going to be benefited by this. Is it the principle to tax the poor people in order to benefit the rich or the reverse is the principle all the world over? I want an explanation from the Hon'ble Minister. (Cries of "Hear, hear," from the Opposition Benches.)

Adjournment.

It being 7-53 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 29th February, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 29th February, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 220 members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of Inspectors and Auditors of Co-operative Societies for the period from 1st April, 1937, up to date.

***139. Khan Sahib HATEM ALLY JAMADAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the period from 1st April, 1937, up to date—

(*i*) the total number of Inspectors and Auditors appointed;

(*ii*) the number of them promoted;

(*iii*) the number appointed by direct recruitment; and

(*iv*) the number of Muslims with their names and addresses—

(1) promoted, and

(2) recruited from outside?

(*b*) How many with names and addresses of those referred to in (*a*) (*iv*) belonged to—

(*i*) non-agricultural class of Muslims; and

(*ii*) agricultural class of Muslims?

(*c*) Will the Hon'ble Minister be pleased to state whether any Secretary, or any relation of any member of a Central Co-operative Bank, has been appointed as Inspector or Auditor?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) Total number of Inspectors appointed 44, and total number of Auditors appointed 50.

(*ii*) Appointed by promotion—Inspectors 18 and Auditors 10.

(*iii*) Appointed by direct recruitment—Inspectors 26 and Auditors 40.

(*iv*) Statements are laid on the Library table.

(*b*) It is not possible to give exact figures; but a large number of them have their homes in villages.

(*c*) No Secretary of any Central Bank was appointed to either post; I have no information whether any of the individuals appointed or promoted are related to a Director of any Central Bank.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) (*iv*), will the Hon'ble Minister please state how many of the promoted Inspectors and Auditors were Scheduled Castes and how many of them were Muslims?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As it is a question relating to Muslims and not to Scheduled Castes, I think this question does not arise.

Acceptance of the recommendations of the Bengal Jute Enquiry Committee of 1938.

***140. Mr. SURENDRA NATH BISWAS:** (*a*) Has the attention of the Hon'ble Minister in charge of the Agriculture and Industries Department been drawn to the report of the Bengal Jute Enquiry Committee of 1938?

(*b*) Do the Government propose to accept the recommendations of the majority of members of that Committee?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the average jute-grower's power to hold on the jute crop is very low;

(*ii*) that the jute-growers having small holdings have no such power at all;

(*iii*) that the major portion of the jute crop of Bengal passes out of the hands of the jute-growers every year by the month of October; and

(*iv*) that the price of raw jute is kept depressed during the months of July to October?

(*d*) Do the Government propose—

(*i*) to fix the minimum price of every quality of raw jute; and

(*ii*) to set up a marketing organisation for the purpose of having regulated markets with warehouses all over the jute-growing area of Bengal before the beginning of the next jute season?

(*e*) Do the Government propose to make financial arrangements for advancing a jute-grower against the jute that he may store in a warehouse?

(*f*) If so, what financial arrangements have been made?

(*g*) If no financial arrangement has yet been made will the Hon'ble Minister be pleased to state what steps the Government propose to take for giving the best value of jute crop to a jute-grower during the coming months of July to October and for all time to come?

(*h*) Is it a fact that there is a proposal before the Government for handing over the control of price of the raw jute to the Government of India or to somebody created by the latter Government?

(*i*) If so, will the Hon'ble Minister be pleased to lay on the table—

(*i*) the details of that proposal; and

(*ii*) the opinion of the Provincial Government thereabout?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes. Government received the Committee's Report on the 5th December, 1939.

(*b*) The report is still under examination and I cannot say at present what the final decisions of Government will be.

(*c*) (*i*) to (*iii*) Yes

(*iv*) My information goes to show that this is not always the case. For example in 1937-38 the price of jute was higher from July to October than at any other period of that season. I believe, however, that the tendency is for prices to be lower at the beginning of the season than in the latter part thereof

(*d*) (*i*) This is a question of considerable complexity which is receiving careful consideration in the light of the divergent views expressed in the Jute Committee's Report.

(*ii*) The Bengal Agrisultural Produce Markets Bill introduced by me contains provisions that enable the setting up of regulated markets with or without warehousing facilities. That Bill is under examination by a Select Committee. As the member is aware, the progress made by the Select Committee so far does not warrant a hope that the Bill will pass through both Houses of the Legislature during the current session. Every effort however will be made to expedite its passage.

Without legislation no marketing organisation can be set up and even assuming such legislation, I am very doubtful if a decision to establish regulated markets with warehouses all over the jute-growing areas could be implemented before next jute season if a decision to do so were taken immediately, which is not the case.

(*e*) The question of financial arrangements of the kind indicated can only be considered after a definite scheme for warehousing has been evolved and such preliminary steps as, for instance, fixation of grades and standards of jute had been completed. To consider it now would be premature.

(*f*) and (*i*) Do not arise.

(*g*) For the crop of 1940 Government have decided to regulate the acreage of jute production with a view to prevent any serious fall in prices owing to overproduction. Legislation to give effect to this decision will come before this House very shortly; and you know, Sir, that legislation on the subject is already there.

The action to be taken in regard to the crops of 1941 and after will depend on the results of the examination of the Jute Committee's recommendations and the success achieved in securing the co-operation of all jute-growing provinces and the interests concerned.

(*h*) No such proposal has been made to this Government by the Government of India. I presume the member is alluding to certain tentative proposals placed before the Indian Central Jute Committee for stabilising the price of raw jute. Copies of these proposals and copies of the proceedings of a sub-committee of the Indian Central Jute Committee which discussed them have been received by Government. So far as I know the matter rests there and I am not aware if the Indian Central Jute Committee intend to make any recommendations in this connection to the Government of India. I assume that this Government as well as the Governments of other jute-growing provinces will be officially consulted in due course should any concrete proposals eventually materialise.

Mr. SURENDRA NATH BISWAS: With reference to answer (*d*) (*i*), will the Hon'ble Minister please state how long has this question of the fixation of a minimum price for jute been under the consideration of Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: For a very long time.

Mr. SURENDRA NATH BISWAS: In view of the answer to (*d*) (*i*), may I ask whether Government considers it desirable to accept the opinion of 19 members out of the 23 members of the Jute Enquiry Committee to the effect that a minimum price should be fixed for jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said, Sir, that the whole thing is under the consideration of Government, and it would be premature to say anything definite on this point at present.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please enlighten the House, in view of his answer that the question of the fixation of a minimum price for jute has been in the minds of the Government for a very long time, and also in view of the fact that the majority of the members of the Jute Enquiry Committee have recommended the fixation of a minimum price for jute, as to how much longer time do Government propose to take to come to a decision?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I cannot give any definite date or time. Government are watching everything and steps will be taken by them to meet the exigency of any particular situation whenever such a situation arises.

Mr. SURENDRA NATH BISWAS: With reference to answer (*g*), in view of the fact that Government are going to regulate the production of jute for this season, have Government considered it desirable to fix a minimum price for jute before the next season begins, so that the jute-growers may get a fairer price?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have nothing further to add to what I have already said on this point.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I have got the answer that Government cannot give us any idea now when this question of the fixation of a minimum price for jute will be decided by them, but may I ask whether they are taking some steps towards enabling the jute-growers to get a fairer price? Government say that they are going to control the production of jute this season. May I not ask if Government will come to a decision before the next season?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, yes, they are considering the matter.

Mr. SURENDRA NATH BISWAS: Let the Hon'ble Minister for Agriculture give a reply to my question, Sir.

The Hon'ble Mr. TAMIZUDDIN KHAN: Government cannot make an answer as to what they may have to do a few months hence. It may not after all be necessary at any time to fix a minimum price for jute. If it is necessary, and if it is feasible, Government will certainly do it. Just now I cannot say whether Government will fix a minimum price for jute, 6 months hence, or within a shorter time.

Mr. SURENDRA NATH BISWAS: No, no, I want that assurance. In view of Government's anxiety to enable the jute-growers to get a fairer price, have Government considered it desirable to decide upon the fixation of a minimum price before the next season begins?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: I am putting a positive question, Sir, as to when the fixation of a minimum price will be decided upon.

Mr. SPEAKER: You can easily understand from what Government is doing just now as to how far they are willing to go in this matter.

Mr. SURENDRA NATH BISWAS: My question is, Sir, whether Government are in a position to assure us that they are going to decide this question before the next season commences?

Mr. SPEAKER: I find Mr. Biswas that you are a man of easy credulity. (Laughter.)

Mr. SURENDRA NATH BISWAS: With reference to answer (*h*), have the Government considered that it is not desirable at any time to hand over the control of prices to the Central Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: That question, Sir, has not yet been examined.

Allotment to Rajshahi district from India Government contributions.

***141. Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing for the years 1937, 1938 and 1939—

(*a*) the amounts allotted to Rajshahi district from the contributions of the Central Government; and

(*b*) the amounts spent in the district for—

(*i*) playgrounds,

(*ii*) removal of water scarcity,

(*iii*) establishment of dispensaries, and

(*iv*) other purposes?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): A statement is laid on the table.

Statement referred to in the reply to starred question No. 141, showing details of allotment and expenditure out of the Government of India Rural Uplift Grants for the district of Rajshahi.

	Allotment.	Expenditure.
	Rs.	Rs.
Playgrounds —		
1937-38	1,020	800
1938-39	1,400	1,400
1939-40 (*b*)	3,320	1,220
Rural water-supply		
1937-38	1,440	1,438
1938-39	5,732	5,621
1939-40 (*b*)	1,551	..
Union Board dispensaries		
1937-38	..	219(*a*)
1938-39 .. .	..	..
1939-40 (*b*)	..	..
Other purposes —		
1937-38	5,040	4,497
1938-39	20,414	10,737
1939-40 (*b*)	7,230	2,233

(*a*) Unspent balance of allotment in previous years.
(*b*) Up to December.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state why the amount that was allotted could not be spent?

The Hon'ble Mr. H. S. SUHRAWARDY: The local officers know better than I do.

Mr. JOGESH CHANDRA GUPTA: Does the Hon'ble Minister want to convey to the House that the local officers are beyond the control of the Hon'ble Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: No, they are not. What I want to convey to the House is that if honourable members want information of that nature, they should give notice.

Text-Book Committee for Junior Madrassahs.

*142. **Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any Text-Book Committee for the selection of books of the junior madrassahs of the reformed type?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Is there any Text-Book Committee for the selection of books of the corresponding classes of the high schools?

(*d*) Do the Government contemplate the constitution of any Text-Book Committee for the junior madrassahs?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*d*) No.

(*b*) Books on general subjects such as English, Bengali, Mathematics, History, Geography and Hygiene are selected from approved text-books for the corresponding classes in secondary schools. Books on Arabic, Arabic Reader, Urdu Grammar and principles of Islam are selected from text-books selected for the various classes of junior madrassahs.

(*c*) Yes.

Karalaghat-Barnes Ferry on the Teesta river close to Jalpaiguri town.

*143. **Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Karalaghat-Barnes Ferry on the Teesta river close to Jalpaiguri town is owned under the Ferries Act by any public body or local body?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the party to whom it has been leased out at present;

(*ii*) when the term of the present lease is likely to expire;

(*iii*) how the settlement was made; and

(*iv*) whether any toll is being collected?

(*c*) If the answer to (*b*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state the rate charged for—(1) men, (2) animals, and (3) vehicles, both in winter and in the rains?

(*d*) Is there any difference in rates between this ferry and the two other ferries maintained by the District Board within 5 miles up and down the river?

(*e*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what are the rates of the two other ferries; and

(*ii*) the reason for the difference?

(*f*) Will the Hon'ble Minister be pleased to state whether income of this ferry like other ferries is given to the Municipality and District Board?

(*g*) If not, what are the reasons therefor?

(*h*) What kind of boat is maintained by this ferry?

(*i*) How long does it take to cross the ferry?

(*j*) Is the Hon'ble Minister considering the desirability of making over the management of the ferry to the District Board?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) (*i*) to (*iii*) The ferry was permanently transferred to the Bengal-Duars Railway at the time of the construction of the Railway under an agreement executed in 1891.

(*iv*) and (*d*) Yes.

(*c*) and (*e*) (*i*) Statements showing the rates in force have been placed on the Library table.

(*e*) (*ii*) The difference is due to the fact that the Railway has to keep up a large ferry establishment and maintain a road which is this year 2½ miles in length from Barnes Ghat Station to the ferry boat.

(*f*) and (*g*) No, for the reasons given in the reply to parts (*a*) and (*b*).

(*h*) Country boats of different classes are maintained.

(*i*) The time varies according to the season of the year. I understand that in the rainy season, the crossing may take more than an hour and a half.

(*j*) No: this cannot be done in view of the agreement referred to in my reply to parts (*a*) and (*b*).

Mr. KHAGENDRA NATH DAS GUPTA: With reference to answer (*a*) and (*b*), will the Hon'ble Minister be pleased to state whether it is a fact that when this agreement was entered into, there were railway lines on both sides of the river, and now for the last twenty-five years there has been no railway line on the western side of the river? So, it can no longer be considered as a railway ferry.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think that the assumption of the honourable member is correct.

Mr. KHAGENDRA NATH DAS GUPTA: With reference to reply (*f*) and (*g*), will the Hon'ble Minister be pleased to press the railway authorities to use motor-boats in the river for ferry purposes?

Mr. SPEAKER: Below Jalpaiguri town?

Mr. KHAGENDRA NATH DAS GUPTA: Yes.

Mr. SPEAKER: Won't it be dangerous?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: If a demand is made by the public, I have no doubt the authorities will be prepared to consider the question. But, as you have said, it would be a very dangerous experiment during high floods.

Mr. KHAGENDRA NATH DAS GUPTA: In view of the fact that the Bengal Duars Railway is going to be taken over by the State, will the Hon'ble Minister be pleased to consider the matter when such a transfer takes place?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would like to know from the honourable member which particular matter he wants this Government to consider. Is it the question of rates or the question of having a motor boat ferry?

Mr. KHAGENDRA NATH DAS GUPTA: I mean the question of transfer of this ferry to the district board.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: When the railway is taken over by the India Government, it will, I believe, be a point of law whether the existing agreement with the railway will also subsist or whether a new agreement will have to be arrived at with the India Government. That is a matter on which it is very difficult for me to express an opinion at this stage.

Realisation of recovery charges in the areas surveyed in Dinajpur.

***144. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing from the beginning of the Survey and Settlement operation until now with respect to the Dinajpur district—

(i) the total amount of recovery charges that has been realised; and

(ii) the total amount that was actually spent including the cost for erecting the buildings, salary paid to all the officers, clerks, *amins*, menials and others and sundry other expenses?

(*b*) Will the Hon'ble Minister be pleased to state separately the cost of erecting the following buildings, viz.—

(1) Settlement Officers' quarters;

(2) Record Rooms;

(3) Settlement Officer's office; and

(4) the menials' quarters?

(*c*) Is it a fact that a few hundred tenants came to the Settlement Officer very recently and demanded remission of recovery charges?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Rs. 16,57,904 (up to 31st January, 1940).

(*ii*) Rs. 32,60,663 (up to 31st January, 1940) exclusive of the capital cost of buildings, indirect charges and cost incurred in the Survey Department since 1939.

		Rs.
(*b*) (1)	Settlement Officer's quarters	36,440
(2)	Record Rooms	49,773
(3)	Settlement Officer's office	45,359
(4)	Menials' quarters	
	Cost of sites of items (2), (3) and (4) ..	13,478
	Total ..	1,45,050

(*c*) It is learnt that a large number of men came to see the Settlement Officer one day during his absence on tour but they did not see any responsible officer.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whom did they see?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. NISHITHA NATH KUNDU: Did they submit any complaint or any grievance to the Settlement Officer before?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to tell us what is the total amount of recovery cost assessed for the district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Irregular patrol by chaukidars in some villages in Khulna.

*145. **Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any complaints have been received by the District Magistrate, Khulna, from the public regarding chaukidars not watching the villages regularly?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken in the matter?

(*c*) Will the Hon'ble Minister be pleased to state whether the police goes on night round in the villages at regular intervals?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, only one from the hon'ble member himself against the chaukidars of his own village Senhati.

(*b*) The Superintendent of Police has been asked to take necessary action in the matter.

(*c*) Police patrols are sent out at irregular intervals so that the local criminals might not know their movements.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether there is any rule fixing the number of nights on which a chaukidar should be out on patrol duty every month?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what the number is?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice

Mr. PROMATHA RANJAN THAKUR: Regarding answer (*c*), where it is said "police patrols are sent out at irregular intervals so that the local criminals might not know their movements," will the Hon'ble Minister be pleased to say whether they are sent from district headquarters or from the thana?

Mr. SPEAKER: That question does not arise.

Inconveniences to the people of Sandwip and other islands due to closing of steamer service.

*146. **Mr. SYED ABDUL MAJID:** (a) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware of the inconvenience in communication between the islands of Sandwip, Hatiya and Ramgati and the mainland owing to the closing of India General Navigation and River Steam Navigation Company's steamer service?

(b) If so, what steps, if any, have the Government taken for removing the inconvenience of the people of the islands?

(c) Will the Hon'ble Minister be pleased to state whether the telegraphic connection between Sandwip and the mainland for which money was provided in the budget of 1939-40 is going to be established?

(d) If so, when is the telegraphic connection likely to be established?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Yes, all the steamers with the exception of one have been withdrawn as these have been requisitioned for war service.

(b) The question is being examined in consultation with the Steamer Company.

(c) and (d) The question is under examination whether Sandwip should have a telegraphic or a wireless station.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that the withdrawal of these steamers has stopped the only steamer connection between Barisal and Chittagong?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware whether it has done so or not.

Percentage of literacy in the districts of Bengal.

*147. **Mr. IDRIS AHMED MIA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) the approximate percentage of literacy in each district of Bengal; and

(b) what steps, if any, the Government contemplate for the increase of literacy in the less advanced districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement showing the percentage of literacy in each district in Bengal is laid on the table.

(*b*) Free primary education has been introduced in three districts. Steps are being taken for its introduction in five more districts from this year and throughout the Province with as little delay as possible. As regards adult education, Government are awaiting the report of the Adult Education Committee.

Statement referred to in the reply to clause (a) of starred question No. 147, showing the percentage of literacy in each district of Bengal.

Burdwan	12·3
Birbhum	8·1
Bankura	9·9
Midnapore	17·5
Hooghly	16·0
Howrah	20·7
24-Parganas	12·7
Calcutta	43·2
Nadia	6·9
Murshidabad	6·3
Jessore	7·6
Khulna	10·9
Rajshahi	7·7
Dinajpur	7·4
Jalpaiguri	5·6
Darjeeling	12·6
Rangpur	6·9
Bogra	11·3
Pabna	7·0
Malda	3·8
Dacca	10·9
Mymensingh	7·7
Faridpur	9·1
Bakarganj	14·4
Tippera	9·3
Noakhali	13·2
Chittagong	10·4
Chittagong (Hill Tracts)	5·0

Maulvi ABDUL JABBAR: Will the Hon'ble Minister be pleased to name the five districts in which steps are being taken for the introduction of free primary education this year?

The Hon'ble Mr. A. K. FAZLUL HUQ: Speaking from memory, the districts of the Chittagong Division, 24-Parganas and Jalpaiguri.

Mr. IDRIS AHMED MIA : মাননীয় মন্ত্রী মহাশয় দয়া কোরে জানাবেন কি গণ-শিক্ষা বিষয়ে যখন মালদহ সব চেয়ে পশ্চাৎপদ, সেখানে তিনি প্রাথমিক শিক্ষা অবিলম্বে প্রবর্ত্তন কোরতে চান কি না ?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as regards free primary education, I am being pulled in two different directions. If I propose to impose the cess, there is agitation for the stoppage of the cess. If I do not impose the cess, there is also agitation. So, I am proceeding as quickly as possible, but these are the difficulties. Malda is on the approved list and a School Board will be constituted soon. I hope to be able to introduce free primary education as early as possible.

Khan Bahadur MOHAMMED ALI: A supplementary question, Sir.

Mr. SPEAKER: If you ask a general question I will allow, but you cannot ask any question about individual districts.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the basis of this statement and to which year do the statistics refer?

The Hon'ble Mr. A. K. FAZLUL HUQ: The statistics were not taken in one particular year. Information has been supplied by District Officers, but I cannot say the materials on which the information is based.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the percentage of literacy in the province as a whole?

The Hon'ble Mr. A. K. FAZLUL HUQ: Add them up and divide it by 26.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state by what time the report of the Adult Education Committee will be published?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is for the Committee to say, of which the honourable member himself is a member.

Malaria in Netrokona subdivision in Mymensingh.

***148. Mr. BIRENDRA KISHORE ROY CHOUDHURY:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that malaria has broken out in a virulent and epidemic form in the Kendua and Atpara thanas in the Netrokona subdivision of the Mymensingh district?

(*b*) If so, will the Hon'ble Minister be pleased to state, what steps, if any, the Government have taken, and propose to take, to meet this scourge?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) The Assistant Director of Public Health, Malaria Research, personally inspected some of the worst affected areas in these two thanas in 1938. The Director of Public Health also visited some of these places in 1937 and 1939. The Public Health Department has carried out a malaria survey of the Kendua and Netrokona thanas in the district and has found out the local species of mosquitoes responsible for the spread of malaria. A similar survey of the Atpara thana will also be undertaken as soon as the cold season is over. Thirteen medical licentiates and 18 fully equipped flood relief units were deputed by Government for anti-epidemic and anti-malaria work in this district during 1938-39 and 7 medical licentiates have been deputed during 1939-40 for the same work at the request of the District Board. A total grant of Rs. 31,400 was sanctioned in 1938-39 for the district and a total grant of Rs. 25,650 has been sanctioned in the current year for free distribution of quinine through the agency of District Boards and hospitals and dispensaries in the district; 30,000 tablets of plasmochin, 2,000 ampoules of quinine dihydrochloride and quinine and cinchona products worth Rs. 8,402 were supplied to the District Board during 1938-39.

Number of co-operative societies registered and liquidated in each year since 1930.

***149. Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing, year by year, since 1930—

(*a*) the number of societies registered each year;

(*b*) the number of societies that went into liquidation each year and their total working capital;

(c) the total number of limited liability societies functioning each year and their total working capital;

(d) the total number of unlimited liability societies functioning each year and their total working capital;

(e) the total number of members of limited liability societies; and

(f) the total number of members in unlimited liability societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: A statement is laid on the Library table.

No separate record is maintained of the working capital of societies placed in liquidation, and the compilation of such a statement would involve so much time and trouble that I regret I do not feel justified in ordering it to be done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any record is maintained of the working capital of the societies in operation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All these appear in the annual reports from the different centres

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state when was the last annual report printed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the societies which went into liquidation are shown in the annual report with their respective working capital?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: When a society goes into liquidation, it ceases to function and so there is no question of working capital.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is possible or desirable to have a statement in the annual report showing the societies which have been liquidated and the last working capital of the societies before liquidation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The working capital of the societies before they go into liquidation is shown in the annual report, but when they go into liquidation they cease to function and so there is no question of their working capital.

Allegation against the officer-in-charge of Dhamrai thana in Dacca.

***150. Mr. ATUL CHANDRA SEN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that on the 12th November, 1939, the officer-in-charge of Dhamrai thana in the district of Dacca went to Rowile Union Board Office, forced open the locks and doors, rummaged the files, documents and other papers of the Union Board in the absence of the President of the Union Board or any of its officers;

(*ii*) that the said officer-in-charge directed some chaukidars of the Rowile Union Board not to carry out the orders of the President of the Board;

(*iii*) that the said officer-in-charge—

(1) confined one chaukidar in the thana for about 38 hours for having carried letters from the President to the Circle Officer,

(2) gave him no food and drink for these long hours, and

(3) turned him out at dead of night when there was storm and rain outside; and

(*iv*) that the President of the Rowile Union Board has addressed a letter to the District Magistrate of Dacca complaining against the officer-in-charge for his actions as stated?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) This is not my information.

(*ii*) and (*iii*) No.

(*iv*) This District Magistrate has not received such a letter.

(*b*) Does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*i*) where he says "this is not my information," will the Hon'ble Minister be pleased to state what is his information?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 12th November, 1939, the officer in charge, Dhamrai police-station, did go to Rowile. He went to the union board office along with certain gentleman. He

found it locked. He sent for the president and the union board clerk and two other gentlemen. While they were coming, he and the local gentleman waited outside the union board office. The clerk came and admitted the officer in charge and the other gentleman.

Mr. ATUL CHANDRA SEN: With reference to questions (*ii*) and (*iii*), the Hon'ble Minister says "No", will the Hon'ble Minister be pleased to state if he made proper enquiries of the allegations?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Circle Inspector of the Sabar police-station questioned the clerk, Babu Dhirendra Nath Bhattacharjee, President of the Rowile Union Board, and the other two gentlemen present, but none of them made out the case as indicated in the question.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state by whom were the enquiries made?

The Hon'ble Khwaja Sir NAZIMUDDIN: By the Circle Inspector of the Sabar police-station

Mr. ATUL CHANDRA SEN: By the same officer against whom the allegations were made?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state if the Enquiry Officer properly notified the chowkidars that serious allegations had been made against the *daroga* and that those who knew about this should come forward to depose?

Mr. SPEAKER: There should be no cross-examination. You should put questions to elicit information.

Arrest of the Secretary, Bengal Congress Socialist Party.

***151. Mr. B. MUKHERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that Mr. Nripendra Kumar Chakravarti, Secretary of the Bengal Provincial Branch of the Congress Socialist Party, was arrested by the Special Branch of the Calcutta Police on the 27th November,

1939, on a street under the jurisdiction of the Shyampukur police-station?

(*b*) Is it a fact that no information was given to his relatives and friends as to the arrest of Mr. Nripendra Kumar Chakravarti?

(*c*) Is it a fact that on his production before the officiating Chief Presidency Magistrate of Calcutta, on the 5th December, 1939, Mr. Nripendra Kumar Chakravarti complained to the said Magistrate that he was being tortured in the Special Branch office by the officers of that branch, specially by two officers he named?

(*d*) Is it a fact that when Mr. Nripendra Kumar Chakravarti complained to the said Magistrate his body was full of bruises and there was a wound in one of his ears?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the Magistrate recorded the complaint; and

(*ii*) whether he ordered Mr. Chakravarti to be sent to the Police Surgeon or to any other medical authority for examination and report?

(*f*) If the answers to (*c*) and (*d*) are in the affirmative, do the Government contemplate an inquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The member is referred to the reply given to the starred question No. 74A on the same subject put by Mr. Sibnath Banerjee on the 13th December, 1939.

***152. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Mr. Nripendra Kumar Chakravarty, Secretary of the Bengal Provincial Branch of the Congress Socialist Party, was arrested by the Special Branch of the Calcutta Police on the 27th November, 1939, on a street under the jurisdiction of the Shyampukur police-station;

(*ii*) that on his production before Mr. Waliul Islam, the officiating Chief Presidency Magistrate of Calcutta, on the 5th December, 1939, Nripendra Kumar Chakravarty complained to the said Magistrate that he was being tortured in the Special Branch office by the officers of that branch specially by Messrs. Girija Roy and Jnan Dutt; and

(*iii*) that when Mr. Nripendra Kumar Chakravarty complained to the said Magistrate his body was full of bruises and there was a wound in one of his ears?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the Magistrate recorded the matter; and

(*ii*) whether he ordered to send Mr. Chakravarty to the Police Surgeon or to any other medical authority for examination and report?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to make an inquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The member is referred to the reply given to the starred question No. 74A on the same subject put by Mr. Sibnath Banerjee on the 13th December, 1939.

Mr. SPEAKER: I will take Questions Nos. 151 and 152 together as the subject is the same

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what was the report of the medical officer attending him as regards the bruises on his body and injury in his ear?

Mr. SPEAKER: This question was answered on the last occasion.

Dr. SURESH CHANDRA BANERJEE: But the report was not supplied; so I am enquiring of that report. Only it was said that there was a report, but it was not submitted.

Mr. SPEAKER: Four pages of supplementary questions were put on the last occasion, and it is not very complimentary to your colleagues for you to put another question on this very matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: Actually the medical officer treated him only for ear complaints, and so there was no question of any bruises being found on his body, or of any complaint made by the gentleman that there were bruises on his body.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the ear complaint was an old one or was it due to the injury inflicted on him in the lock-up as alleged?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware it was a recurrence of an old complaint.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what were the records made by the Magistrate when the accused was produced before him as regards the injuries and the ear complaint?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that anything that has taken place in the court is a public property and the honourable member can get the information from the court. Any information that is not available there may be supplied by me. So I refer the honourable member to the proceedings of the Court.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether there was any enquiry made from Mr. Nripendra Kumar Chakravarty, the person who is alleged to have made that complaint in the Court, either before the 13th December or subsequently?

The Hon'ble Khwaja Sir NAZIMUDDIN: Complaint about what?

Mr. SIBNATH BANERJEE: Whether he was assaulted by the police in custody?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not follow the question at all. He never made any complaint before any officers of Government.

Recruitments on the result of the Bengal Civil Service Examination held in February, 1939.

***153. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many posts of different categories were proposed to be filled up by direct recruitment on the results of the Bengal Civil Service competitive examination held under the auspices of the Public Service Commission in February, 1939?

(*b*) What were the respective numbers out of those vacancies reserved for—

(1) Muslims,

(2) Scheduled Castes,

(3) non-Muslims, and

(4) other minorities, if any?

(*c*) How many candidates belonging to different communities appeared at the said examination?

(*d*) How many of each community secured the minimum qualifying marks as per the standard of examination prescribed by the Public Service Commission?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of the successful candidates of different communities recommended by the Public Service Commission for appointment on the results of the said examination;

(*ii*) the date or dates of such recommendation;

(*iii*) the names of the persons belonging to different communities appointed under Government as a result of the competitive examination held in February, 1939;

(*iv*) the dates of appointment of each of them, and

(*v*) whether the decision of the Government regarding recruitment to provincial services, as per Press Communique, dated the 12th June, 1939, or Home Department memorandum No. 2599 (22)A, dated the 9th August, 1939, have been followed in making the appointments mentioned under (*b*); if not, why not?

(*f*) Is it a fact that the freedom of the Public Service Commission in regard to the Bengal Civil Service competitive examination in February, 1940, has been sought to be curtailed by Government; if so, in what direction?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Seven in the Bengal Civil Service, 3 in the Bengal Police Service, 42 in the Bengal Junior Civil Service and 6 in the Secretariat Clerical Service. Subsequently the number of vacancies in the Secretariat Clerical Service was reduced to 5.

(*b*) As usual no reservations were made at the time the vacancies were announced. The posts have been filled in accordance with the principles of the Communique, dated the 12th June, 1939, regarding communal reservation.

(*c*) 133 Muslims, 143 Caste Hindus, 10 members of the Scheduled Castes, and 8 members of minority communities, making a total of 294 candidates.

(*d*) The standard of examination is not prescribed by the Public Service Commission but by Government. The qualifications for appointment as announced were the obtaining of 33⅓ per cent. in the two compulsory papers of Translation and Composition, and of 160

marks in the *viva voce*. The number of persons who passed and failed in the compulsory written papers is as follows:—

	Muhammadans.	Hindus.	Scheduled Castes.	Other Minority Communities.
Passed ..	47	99	5	7
Failed ..	86	44	5	1
	133	143	10	8

Of those who passed the compulsory papers, the distribution as regards the *viva voce* is as follows:—

	Muhammadans.	Hindus.	Scheduled Castes.	Other Minority Communities.
Summoned ..	30	38	4	5
Summoned and failed	6	7	1	..
Not summoned ..	11	54	..	2
	47	99	5	7

(*e*) (*i*) A statement is laid on the Library table.

(*ii*) The names of all the candidates except Mr. Macdonald were sent to Government by the Public Service Commission on the 11th August, 1939. The name of Mr. Macdonald, who underwent an operation before being passed as medically fit, was sent on the 19th December, 1939.

(*iii*) and (*iv*) The hon'ble member is referred to this Department notifications Nos. 559A, 560A and 561A, dated the 16th February, 1940, appointing persons to the Bengal Civil Service, Bengal Police Service, and Bengal Junior Civil Service. Copies are laid on the table. It is not customary to notify in the Gazette appointments to the Secretariat Service, but the Finance Department were informed of the names of the following successful candidates for that service on the 17th February, 1940:—

Babu Prasun Kumar Sen.

Maulvi Akbar Kabeer.

Maulvi Sarwaruddin Khan.

Maulvi Md. Khoda Nawaz.

(*v*) Yes.

(*f*) The Public Service Commission in paragraph 13 of their Notice, dated the 7th September, 1939, regarding the Bengal Civil Service

Examination to be held in February, 1940, stated:—"The standard of such examination shall be such as the Public Service Commission shall prescribe, and the Commission will, if they think it desirable, determine what shall be the qualifying marks to qualify a candidate for appointment." This was a departure from previous practice which was made without the previous approval of Government. As an important question of principle was raised, the Public Service Commission were requested to cancel this paragraph which they did on the 3rd October, 1939. This question of principle is under the consideration of Government.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I hope you will allow me a longer time to put supplementary questions as this is a very important question

Mr. SPEAKER: Yes, 10 minutes.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*) will the Hon'ble Minister be pleased to state if all the posts which were mentioned under answer (*a*) were filled up and if so when were they filled up? Under (*a*) there are 58 vacancies: 7 in the Bengal Civil Service, 3 in the Bengal Police Service, 42 in the Bengal Junior Civil Service and 6 in the Secretariat Clerical Service. These total 58. It was reduced to 57 Will the Hon'ble Minister be pleased to state if all these posts were duly filled up or any were held over?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would refer the honourable member to the Gazette notification as regards the number of posts that were filled up. No other posts have been filled up since then.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the Gazette the total number of posts filled up appear to be 45? Along with that the 4 posts in the Secretariat make up 49, leaving 9 posts still to be filled up as notified under (*a*). Will the Hon'ble Minister be pleased to state what happened to these 9 posts? May I refresh the memory of the Hon'ble Minister? The Gazette notification referred to gives in 590A, 7 appointments out of which 2 have gone to Hindus, 4 Muhammadans and 1 Schedule Caste. The notification No. 560A has got 3 appointments of which 2 have gone to Muhammadans, 1 to a Hindu, and notification No. 561A has got 35 vacancies, out of which so far as I could calculate—because from names it is not possible to find out Scheduled Castes—there are 17 Muhammadans, 14 Hindus, 3 minority communities and one Scheduled Caste. Will the Hon'ble Minister be pleased to state if the total as thus shown which comes up to only 46

in all and which leaves still a balance of about 13—if one post is left out 12 posts, what has happened with regard to the balance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Has the honourable member taken into consideration the posts filled up for the Police Service?

Dr. NALINAKSHA SANYAL: If the notification referred to contains all the posts, posts filled up by Police Service have also been taken into account.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may state altogether 7 posts have not been filled up.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it was one of the conditions in the communal representation notification that when suitable Muhammadan candidates will not be forthcoming for all the vacancies, the vacancies left over would be filled up irrespective of community on the result of competition?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this requires rather a lengthy explanation, and if you will permit me I will read out the explanation which I have got with me.

Mr. SPEAKER: It will be very difficult to allow a lengthy statement.

Dr. NALINAKSHA SANYAL: It is necessary in the public interest, because this matter has been agitating the public mind for a long time.

Mr. SPEAKER: You may discuss this during the Budget grant.

Dr. NALINAKSHA SANYAL: We may not get time then.

The Hon'ble Khwaja Sir NAZIMUDDIN: I shall now read the statement.

I will now come to the question of the distribution of the appointments between the various communities. I shall say at the outset that this is purely an administrative matter of applying the rules. The only point where any exercise of discretion comes in is whether any appointments are to be given to members of the minority communities. Government exercised that discretion by giving two appointments in the Bengal Junior Civil Service to the seniormost qualified candidates

of the minority communities. The appointments to the Bengal Civil Service and Bengal Police Service presented no difficulty. The principle of counterbalance described in paragraph 9 of the communiqué of the 12th June, to which the honourable member has referred, has been applied and this explains why the Muslims have got 4 out of the seven appointments to the Bengal Civil Service, and 2 of the 3 appointments to the Bengal Police Service. They were also entitled to 12 promotions to that service in the past year, no less than 10 have gone to caste Hindus.

In the Bengal Junior Civil Service it will be observed that all the vacancies have been filled up Forty-two were announced, and 35 were filled up in the notification of 16th February and one more has just been filled up by a Muslim candidate who has now been declared medically fit. Six vacancies in the Bengal Junior Civil Service will not be filled. Honourable members on the opposite side of the House may naturally ask why paragraph 6 of the communique of the 12 June has not been observed. I reply that it has been observed to the letter. I will quote the actual words:—"It will further be provided that if candidates of a particular community possessing the required qualifications do not come forward in any one year in sufficient numbers to fill all the posts reserved for the community, the reserved vacancies thus left unfilled shall be filled irrespective of community on the results of competition" As I have already explained, candidates of the Muslim community possessing the required qualifications did come forward in sufficient numbers to fill all the posts reserved for that community.

I am sorry, Sir, that I forgot to read the front portion of the statement. I will read it out later on.

Had the examination been conducted in the same manner as in the past there is every reason to believe that at least 7 more Muslim candidates would have been available for appointment. There is, therefore, no reason whatever why that community should be penalised for a mistake for which they cannot be held responsible in any way.

On the other hand, as regards the Scheduled Caste candidates, only 10 appeared altogether and of these 5 failed in the compulsory written subjects and one in the *viva voce*, leaving only 4 candidates. Of these 4 candidates, one was found medically unfit so that there are only 3 qualified Scheduled Caste candidates altogether. Of these 3, one has been appointed in the Bengal Civil Service, and the remaining two have been appointed to the Bengal Junior Civil Service and the remaining 4 vacancies in that service earmarked for the Scheduled Castes for which there are no qualified Scheduled Caste candidates have been given to the Caste Hindus in pursuance of paragraph 6 of the communique. The same principle has been followed in making the appointments to the Upper Division of the Secretariat Clerical Service.

In connection with this service I may mention two things in passing. The first is that the reason for reducing the number of vacancies from the original figure of 6 to 5 is that during the recruitment year in question only 5 vacancies occurred instead of 6 as was originally anticipated. Secondly, in selecting candidates for appointment to this service the candidates' own preferences are given weight, and all 4 candidates referred to in my answer preferred the Secretariat to the Bengal Junior Civil Service.

Owing to the excessive recruitments during the past two years there are too many probationers in the Bengal Junior Civil Service at the moment, and there are difficulties about their training. The number of appointments to be made as a result of the examination now being held is considerably smaller and the more even distribution of appointments over the two years will be advantageous in every way. The Commission themselves—I quote their words "urge very strongly that some of the vacancies advertised be held over". (Dr. NALINAKSHA SANYAL: Because of the want of suitable candidates!)

Finally, I may say that it is unlikely that the unfortunate situation which has occurred this year will ever happen again as such abnormally large recruitment is not expected for many years to come.

Honourable members will understand the position better if I now read out the front portion of the statement.

The crux of the matter lies in the statement that the standard of the Bengal Civil Service Examination is not prescribed by the Public Service Commission, but by Government. Section 266 of the Government of India Act says that it shall be the duty of the Public Service Commission to conduct examinations. This does not, in the view of Government, mean that the Public Service Commission can prescribe any condition it likes as to the standard of the examination without reference to Government. In September, 1938, the Public Service Commission announced the vacancies for the examination to be held in February, 1939. In that announcement they stated what the qualifications for appointment were. You will find these qualifications in my answer to clause (*d*).

Strictly speaking a person would be qualified for appointment who had got exactly 33-1/3 per cent. in the two compulsory papers, *i.e.*, 133 marks out of 400 and 160 marks in the *viva voce* and had scored zero in all the other papers.

Dr. NALINAKSHA SANYAL: What is the total number of marks?

The Hon'ble Khwaja Sir NAZIMUDDIN: About 800. I am not sure.

Dr. NALINAKSHA SANYAL: What percentage?

The Hon'ble Khwaja Sir NAZIMUDDIN: One hundred and thirty-three marks out of 400 in the two compulsory papers and 160 marks, *i.e.*, the compulsory mark for *viva voce* examination.

Dr. NALINAKSHA SANYAL: Is that all?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think so. I am not sure.

I want to stress this point that it is theoretically possible for a candidate to be qualified for appointment who scored only 293 marks. Subsequent to their announcement but before the examination, the Public Service Commission introduced an entirely new condition which was the necessity of an aggregate of 800 marks This new condition was known neither to Government nor to the candidates, and the Public Service Commission have themselves admitted with regret that through inadvertence they did not communicate this matter to Government Government were completely unaware of what had happened until the Public Service Commission on the 11th August, 1939, recommended certain candidates for appointment. It appeared then that on the basis of this new condition the Commission had not summoned to the *viva voce* or the medical examination a sufficient number of candidates whom Government considered to be qualified candidates to fill the vacancies. Government therefore directed the holding of a further medical examination which yielded a certain number more of qualified candidates But it would obviously have been impracticable and unfair to the candidates themselves to direct the holding of a second *viva voce* by the Commission some months after the original *viva voce* It would have been impossible for the members of the *viva voce* board to assess justly the merits of such candidates compared with others whom they had seen such a long time previously. That is all, Sir.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if he is aware that the unfilled up posts might have been filled up by qualified Hindu candidates recommended by the Provincial Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already explained this point that it would be unfair for the community for which the posts were reserved.

Dr. NALINAKSHA SANYAL: There was no reservation you said.

The Hon'ble Khwaja Sir NAZIMUDDIN: I did say that they were reserved according to the communique on communal ratio after the examination. Posts not reserved at the time of advertisement, but after the result of examination and before appointments are made we allocate the number of Muslims and Hindus according to the communique of the 12th June. Therefore, as there were qualified candidates according to the Government available but through no fault of their own they were not summoned for *viva voce* or medical examination, Government felt that it would be wrong to penalise a community by saying that these people were not qualified.

Dr. NALINAKSHA SANYAL: Does the Government standard on the meaning of the words "come forward" indicate that these words are to be interpreted as appearing in the examination and not coming forward through the Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, in this particular case Government have taken those who have passed the competitive examination according to the standard of the previous year.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the statement laid on the Library Table only 18 Muhammadans are reported to have been found qualified with the minimum qualification by the Public Service Commission, whereas we find from the three notifications referred to that 23 Muhammadans were appointed. How could this surplus of 5 persons come if all these were qualified as stated by the Hon'ble Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have read out a statement and when the honourable member will see it in cold print he will be able to follow it better. What had happened was that according to the previous standards all those persons who secured 33⅓ per cent. marks in the two compulsory papers and secured 160 marks in *viva voce* were considered to be eligible for appointment. In the past the number of vacancies were limited and only the topmost candidates were taken. Suppose in the past, there had been as many vacancies as there are to-day, then every one of those Muslim candidates who had secured the appointments and those candidates who had secured the pass marks but were not called for medical examination and *viva voce* examination would be eligible for appointments. Therefore, we maintain that no differentiation has been made by Government. These candidates were eligible for appointment according to the standards of examination as approved by Government.

Dr. NALINAKSHA SANYAL: May we take it that in regard to the appointments, what weighed with the Government was not the recommendation of the Public Service Commission, but the interpretation of the standards of the previous examinations as the Hon'ble Minister now suggests, which Government weighed in the selection of candidates irrespective of the recommendations of the Public Service Commission?

Mr. SPEAKER: Well, you can draw your own conclusion.

Dr. NALINAKSHA SANYAL: But, Sir, statements have been made on the other side——

Mr. SPEAKER: What you are saying now is purely a conclusion.

Dr. NALINAKSHA SANYAL: Sir, may I therefore take it that we are right?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Public Service Commission in this case have the right to conduct the examination and forward the results to Government and it is for the Government to decide——

Dr. NALINAKSHA SANYAL: Has any competent legal opinion been taken on the interpretation of section 266 (*1*), where it is stated that the duty of the Public Service Commission will be to conduct examinations for appointments to the services and sub-section (*4*) of which debars Government from asking the Commission to recommend allocation between the various communities? Has any competent legal opinion been taken on the interpretation of this section?

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, we are all competent.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, Sir, this question is still under our consideration, and it has not been finally disposed of yet; but so far Government maintain that the Public Service Commission has the right only to conduct examinations and not to prescribe standards without the approval of Government They can do so, but not without the approval of Government.

Mr. ANUKUL CHANDRA DAS: It appears that 5 Scheduled Caste candidates passed but only 4 were called for the *viva voce* examination, may I enquire why 1 candidate was left out?

Mr. SPEAKER: I think you are wrong. Please see the next column; 3 passed and 1 failed; 4 were summoned, but out of that 4, 1 failed, and therefore 3 passed.

Rai HARENDRA NATH CHAUDHURI: Perhaps that person had medically failed.

Mr. ANUKUL CHANDRA DAS: May I know how many persons were called, 5 or 4?

The Hon'ble Khwaja Sir NAZIMUDDIN: Five candidates were called, 1 failed, 4 passed, 1 was found medically unfit and 3 were appointed.

Mr. ANUKUL CHANDRA DAS: Is it a fact that 1 candidate who was declared medically unfit by the Medical Board was subsequently found to be quite fit?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, one more question and I have finished. With reference to the new year, February, 1940, have Government laid down any lower standard of examination than what the Public Service Commission had in mind or had prescribed at the time of the examination of 1939?

Mr. SPEAKER: That question, too, does not arise

Dr. NALINAKSHA SANYAL: It arises, Sir. In my question (*f*), I have asked, "Is it a fact that the freedom of the Public Service Commission in regard to the Bengal Civil Service competitive examination in February, 1940, has been sought to be curtailed by Government; if so, in what direction," to which the Hon'ble Minister replied that with regard to the examination for 1939 there had been certain interferences by Government, but with regard to 1940——

Mr. SPEAKER: That is a question of interpretation, but you call it interference.

Dr. NALINAKSHA SANYAL: No, Sir, the Hon'ble Minister has himself used the word.

Mr. SPEAKER: Well, it is for me to disallow your question, if it is a matter of interpretation.

Dr. NALINAKSHA SANYAL: I am afraid, Sir, you cannot do so, as it is not a supplementary question.

Mr. SPEAKER: Well, as I have said I have a right to disallow that question, and I say that that question does not arise.

Dr. NALINAKSHA SANYAL: Sir, it is the exact wording of my question (*f*) that I have used——

Mr. SPEAKER: All right, you ask your question again.

Dr. NALINAKSHA SANYAL: My question is whether there was any interference with the Public Service Commission as regards their freedom of conducting the examination of February, 1940? I have confined myself, Sir, to the very language of my original question Will the Hon'ble Minister please reply to this?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not understand the language of Dr. Sanyal.

Mr. SPEAKER: Well, his question is whether the freedom of the Public Service Commission in regard to the Bengal Civil Service competitive examination in February, 1940, has been sought to be curtailed by Government; if so, in what direction?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got nothing further to add to what I have already stated. The question of principle is still under the consideration of Government. Apart from that, there is nothing new that I can say.

Dr. NALINAKSHA SANYAL: My point is this: the examination has already been held in 1940; now, has any lower standard been applied or recommended by Government to the Public Service Commission, compared with the standard which the Government laid down for the 1939 examination?

Mr. SPEAKER: You are making a mistake; that question arises after an examination has been held and after the results are declared, when it will be given out, say, whether 40 per cent. or 50 per cent. of the candidates have passed.

Dr. NALINAKSHA SANYAL: Then, Sir, the Public Service Commission ought to know what standard they have to apply for a particular year's examination.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the 1940 examination is concerned, I do not commit myself to anything beyond what is stated here. I do not remember, and I speak subject to correction, but I can say that we have made no discrimination between this year's standard and the previous year's standard.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the reasons for this delay in the appointment of the candidates from between the 11th of August, 1939, and the middle of February, 1940?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: May I submit if you will kindly——

Mr. SPEAKER: No, no; I have looked at the matter very carefully and have decided that the question does not arise.

Dr. NALINAKSHA SANYAL: Well, Sir, the question is there in (*e*)(*ii*) and (*iv*), namely, the time when the recommendations were made and the time the officers were appointed. The recommendations were given on the 11th of August, 1939, and the name of Mr. Macdonald, who underwent an operation before being passed as medically fit, was sent on the 19th December, 1939. The second question was: When were they appointed? The interval between the two dates has been very long.

Mr. SPEAKER: The whole tenor of the question is the relationship between the Government and the Public Service Commission.

The Hon'ble Khwaja Sir NAZIMUDDIN: The interval has not been very long, Sir. Last year, it took longer to announce the appointments than it did this year.

Dr. NALINAKSHA SANYAL: Why did they take such a long time?

The Hon'ble Khwaja Sir NAZIMUDDIN: Every year it happens like that. A lot of preliminaries have to be gone through.

Mr. SPEAKER: The question time is over.

Maulvi MUHAMMAD ISRAIL: May we know whether you are going to take the adjournment motion or the Bill before the House?

Mr. SPEAKER: Have patience and you will immediately know.

GOVERNMENT BILL.

The Bengal Jute Regulation Bill, 1939.

Mr. SPEAKER: The House will now resume further consideration of the Bengal Jute Regulation Bill, 1939.

Amendment No. 162 was left over yesterday, but it had been moved. I understand that Mr. Morgan has given notice of another slightly changed draft amendment.

Mr. CHARU CHANDRA ROY: Mr. Speaker, কাল মাননীয় মন্ত্রীমহাশয়ের গভর্ণমেন্ট পক্ষ থেকে একটা amendment দেবার কথা ছিলো?

Mr. SPEAKER: I understand that that is a draft to which Government have agreed.

Mr. Morgan, will you now move your amendment No. 312?

Mr. C. MORGAN: I beg to move that after sub-clause (*2*) of clause 6B the following sub-clauses be added, namely:—

"(*3*) The duties of the Advisory Board shall be—

(*a*) to advise the Provincial Government in respect of the matters referred to in section 7, and

(*b*) to advise the Provincial Government in regard to any matter concerning the regulation of the growing of jute which may be referred to it by the Provincial Government from time to time.

(*4*) The Advisory Board shall have such power to compel attendance of witnesses and production of documents as may be prescribed."

The motion was then put and agreed to.

The question that clause 6B as amended stand part of the Bill was then put and agreed to.

Clause 8.

Maulvi MUHAMMAD ISRAIL: The House rose yesterday when we were discussing the amendment Nos. 180-186, *i.e.*, with regard to licence fee that will be levied when compulsory restriction is introduced. Yesterday there were several speeches from the Opposition, and I heard them all with rapt attention. All of them were against the imposition of the licence fee, but I beg to point out that some of

the members who spoke yesterday were also members of the Jute Enquiry Committee. Three of them—Mr. Shahed Ali, Kazi Emdadul Haque and Maulvi Giasuddin Ahmed—belong to the Krishak Proja Party. There is a recommendation in the Report of the Jute Enquiry Committee itself which says, "If, as we believe, the cost can thus be kept within reasonable limits, it should not be difficult to realise the bulk of it by fixing a very small fee on the issue of licences to jute-growers." They have signed that report without appending a note of dissent. They have not stated there that they object to the imposition of any cess.

Mr. GIASUDDIN AHMED : On a point of order, Sir, মিঃ ইসরাইলের কথায় বোঝায় যে তিনি এই amendmentটা oppose কোরবেন, কিন্তু ধীরেন বাবু যে amendment এনেছেন সেই nature এর amendment মিঃ ইসরাইলও move করবার জন্য motion table কোরেছেন এবং Jute Committeeর Report এ তিনি এ সম্বন্ধে বোলেছেন।

Maulvi MUHAMMAD ISRAIL: Is it a point of order, Sir?

Mr. SPEAKER: No.

Maulvi MUHAMMAD ISRAIL: So, from page 37 of the Jute Enquiry Committee Report it is quite clear that neither the Krishak Proja Party members nor the Congress Party members objected to the imposition of any licence fee. They did not say that it should not be levied. On the other hand, they accepted *in toto* the recommendation. Not only that, but also on page 96 of the Report they have said, "In conformity with our recommendations elsewhere, this is the plan of work that we lay down for our short-period programme. For the rest, we accept the scheme of work envisaged in the draft report." So, the Krishak Proja Party members and also Congress Party members did not object to it when they were making their recommendations to Government. Government are now only trying to implement the recommendation that has been made. Mr. Sibnath Banerjee went a step further and on page 128 of the Jute Enquiry Committee's Report he has proposed for the imposition of licence fee and stated as follows:—"A nominal fee of one anna per bigha or part thereof will bring from 3 million acres (or 90 lakhs of bighas—120 lakhs of plots) 7½ lakhs of rupees—enough to bear the cost of the scheme." So according to Mr. Sibnath Banerjee a fee of one anna per bigha, or 3 annas per acre should be levied on jute-growers. Therefore, it does not lie in their mouth now to say that no fee should be levied. Only to gain cheap popularity they oppose the imposition of a licence fee now. They are going back on their own recommendation. So far as our party is concerned, we have moved motions for the deletion of the clause for imposition of fees. Mr. Aulad Hossain has moved a motion for the

omission of that particular clause. I have myself tabled a motion and on this point also Mr. Abdul Hakim of our party has tabled another motion. I have also appended a note of dissent to the Select Committee Report wherein I have stated that this fee should not be levied. They have also appended a note of dissent, but they have not appended any reason. I have appended reasons in my note of dissent. I have said—"The jute-growers can very reasonably expect that the money required for the enforcement of jute regulation scheme and other allied matters may well be met from the fund available from the jute export duty assigned to Bengal under the Government of India Act of 1935, because the entire amount realised as jute export duty is an indirect taxation on the jute-growers above. Moreover, a terminal tax known as jute cess is levied on all jute arriving in Calcutta and the income derived therefrom amounts to several lakhs but this sum also is earmarked for the Calcutta Improvement Trust."

I also oppose the same taxation, but on other grounds, because the jute-growers are paying practically Rs. 2,30,000 to the general exchequer of Bengal as jute export duty. So Government should find out money from those sources instead of fresh taxation.

There is another point raised by Mr. Abu Hossain Sarkar that Government did not raise any proposal for taxing the mill-owners; but my friend forgets that in case of taxation on the mill-owners the jute-growers will be indirectly taxed as the mill-owners will realise this tax with compound interest from the jute-growers as is the case when any tax is imposed on landlords—they realise it with compound interest from the tenants. So my friend's contention that there has been a differentiation of treatment in not imposing any taxation on the mill-owners has no legs to stand upon. So on these grounds I oppose the taxation measure and support the amendment for the deletion of the clause for imposition of cess.

Mr. SHAHEDALI: On a point of order, Sir. Mr. Israil in his speech said that there were three members of the Krishak Proja Party who were appointed members of the Jute Enquiry Committee and although they appended a note of dissent they did not give any reasons. Sir, I beg to submit that we have given reason in our note of dissent——

Mr. SPEAKER: That is not a point of order.

Mr. SHAHEDALI: Sir, I want to speak on the subject——

Mr. SPEAKER: That is another matter. I am sorry to find the habit of members rising in the name of point of order and then raising other issues. This is very deplorable. I am always anxious to see that there may not be any misunderstanding between different parties. When a party's attitude is misrepresented, it is quite open to the other

party to ask for permission to make clear their own point of view, and I have always allowed that even when the debate is over. But here the point of order is not really a point of order.

Mr. CHARU CHANDRA ROY: মাননীয় স্পিকার মহাশয়, এ সম্বন্ধে আমি দুটো কথা বোলতে চাই। আমার মাননীয় বন্ধু ইস্রাইল সাহেব—Jute Enquiry Committeeর আমাদিগকে ও কৃষক প্রজাদলের মেম্বরদিগকে আক্রমণ কোরেছেন—তাঁরা নাকি কোন note of dissent দেন নি লাইসেন্স কি সম্বন্ধে। এই যে আক্রমণ তিনি কোরেছেন সে সম্বন্ধে আমাদের বলবার কথা এই যে, তাঁরা নাকি যা recommend কোরেছেন গভর্ণমেন্ট যদি সেটা সম্পূর্ণভাবে কার্য্যে পরিণত কোরতেন, যদি তাঁদের কথামত পাটের একটা দর নির্দ্দিষ্ট কোরে দেবার ব্যবস্থা গভর্ণমেন্ট কোরতেন তা'হলে কোন দিক থেকেই কোন আপত্তি উঠ্‌তো না।

Select Committeeতে আমাদের note of dissentএ আছে:—

We are of opinion that no fee should be prescribed for granting licence to the jute-growers and the poor jute-grower is already heavily taxed in different shapes. The Government get a very heavy sum from the Central Government as jute tax. But we cannot understand why this amount should be spent for general administration instead of helping the jute-growers.

Jute Enquiry Committeeর report সম্বন্ধে আমাদের বক্তব্য এই যে, যে সমস্ত উপদেশ গভর্ণমেন্টকে দেওয়া হয়েছে সেগুলি যদি গভর্ণমেন্ট শুনতেন তা'হলে কি সম্বন্ধে কোন আপত্তির কারণ থাকতো না। তা না কোরে গভর্ণমেন্ট পিস্‌মিল্‌ভাবে এই বিলটী এনেছেন তার কারণ, যে পর্য্যন্ত সাহেব বন্ধুরা রাজী আছেন তাঁরা মাত্র সেই পর্য্যন্ত এনেছেন। আমাদের Select Committeeর note of dissentএ বোলেছি কংগ্রেস পার্টি, কৃষকপ্রজা পার্টি—

We are glad to see that at last this Bill, however belated and insufficient, has been brought before the House. But we want to emphasise that merely the regulation of jute will not raise the price of jute unless the holding and bargaining power of the growers are increased. For this purpose, the fixing of the minimum price, establishment of regulated markets with warehouses and extending of credit to the growers are very urgently required. The establishment of central selling societies and when possible of a corporate organisation to have monopoly for supply of jute are also necessary to getting full benefit from jute.

We, therefore, urge upon the Government to follow up this Bill with another comprehensive Bill, taking into consideration the report and recommendations of the Bengal Jute Enquiry Committee recently published. In that Bill, the fixing of minimum price, establishment of regulated market with warehouses and central selling organisation of

jute, abolition of fatka market and other provisions should be specifically incorporated.

সেইজন্য আমাদের সম্বন্ধে এবং কৃষকপ্রজা পার্টির মেম্বরদের সম্বন্ধে যে দোষারোপ আজ করা হোচ্ছে তার কোন হেতু নাই। আমার বন্ধু যদি নিজের ছিদ্র দেখ্‌তেন তা'হলে এত বড় কথা কখনো বোল্‌তেন না।

Mr. Israil Select Committee Report এ যে dissent note দিয়াছেন তাহাতে বলিয়াছেন—

I do not support the dual system of election envisaged in the committee's report. I would rather prefer all the members of union jute committee to be elected by the jute-growers of union.

এই কথা উনি বোলেছেন। এই কথা বলবার পর আমি জানি না আমার বন্ধু ইস্রাইল কোন সোণার কাঠির পরশে মনোনয়ন প্রথা সমর্থন করিতে গভর্ণমেন্টের দিকে ভোট্‌ দিতে গিয়াছিলেন।

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. My friend Maulvi Muhammad Israil opposed the amendment moved by me. Is he entitled to do so after having moved a motion which is just on the same lines as mine? Sir, you will find that the name of Maulvi Muhammad Israil appears against amendments Nos. 180-186 which is to the effect that—"the words 'on payment of such fee, if any, not exceeding four annas for every acre of the land specified in the licence' be omitted." After having moved——

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, did he actually oppose the amendment?

Maulvi MUHAMMAD ISRAIL: No, Sir, may I make my position clear?

(At this stage several members from different sides of the House rose to speak.)

Mr. SPEAKER: Order, order. This is a tempest in a teapot. This House is not intended for the purpose of clarifying the respective position, unless this is absolutely relevant. I have given both sides an opportunity to make their position clear, but I should not allow any argument.

Mr. SHAHED ALI: Sir, in supporting the motion I beg to submit that Mr. Israil's previous statement categorically mentions three names—Maulvis Giasuddin Ahmed, Shahed Ali and Kazi Emdadul Haque. They were members of the Jute Enquiry Committee. He said that none of them submitted any reasons in their note of dissent regarding this matter.

Sir, I beg to submit that most probably Mr. Israil did not care to go through the Select Committee's Report; otherwise he would find therein that I did submit a note of dissent. (Maulvi MUHAMMAD ISRAIL: I referred to the Jute Enquiry Committee's Report.) There I have categorically stated—"We are of opinion that no fee should be prescribed for granting a license to the jute-growers and the poor jute-grower is already heavily taxed in different shapes. The Government get a very heavy sum from Central Government as jute tax. But we cannot understand why this amount should be spent for general administration instead of helping the jute-growers."

Sir, I beg to submit that merely by jute regulation, no benefit can be given to the jute-growers, as the minimum price for jute has not been fixed. Mr. Israil supported the view that there should be simultaneous presentation of the Bills both for regulation of the jute plants and for the fixing of the minimum price of jute. He did not dissent that jute regulation Act alone will benefit the jute-growers without tabling other connected Bills. Our joint report was to the effect that all the Bills should be submitted together so that the jute-growers may get the benefit. But my friend, though a member of the Jute Enquiry Committee, at that time did not stand against submitting this Bill before the House without others.

Another point is this. My friend saw the difficulty that there was a chorus of opposition from this side of the House and that if this tax be levied against the jute-growers there would be much difficulty for him to come here next time. Sir, my friend to-day to get out of the difficulty is trying his best to show that it was he at whose instance the Government have accepted the motion of the Opposition. Sir, my submission is that his speech is not a *bonâ fide* speech and has been made with intent to get the credit to himself so that it cannot go to the Opposition.

Maulvi MUHAMMAD ISRAIL: Sir, I want to offer a personal explanation.

Mr. SIBNATH BANERJEE: Mr. Speaker, I want to give a personal explanation.

Mr. SPEAKER: Order, order. I cannot allow any personal explanation in this matter any more. If you want to speak on the motion, you may.

Maulvi MUHAMMAD ISRAIL: I formally move my motion——

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Can a speaker speak twice on the same motion?

Mr. SPEAKER: No.

Maulvi MUHAMMAD ISRAIL: Sir, on of personal explanation——

Mr. SPEAKER: Order, order. As a matter of fact, I myself could not actually follow whether Mr. Israil was supporting the motion or opposing it. I will look into the record myself and if I find that the record shows that he was supporting the motion, I will announce it and ask Mr. Datta to remember that his statement is entirely wrong and then Mr. Datta should explain his position.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, let me first of all thank Mr. Israil because I find from his speech that he has read my note of dissent, which I think very few members of this House have done. But I would request him to read it carefully and not so superficially as he has evidently done. He remembers only one sentence and that is that I have supported that if it is necessary in extreme cases of necessity a fee of one anna may be levied. Yes, I have done so, and I am not withdrawing from it. Sir, people do change their opinion and those who do not change their opinion are said to be either supermen or I need not mention what they are. Mr. Israil must come under one of the two categories. (Maulvi MUHAMMAD ISRAIL: I have not changed.) I sympathise with Mr. Israil because he has disturbed a hornet's nest. As you have sown, so you will have to reap. I quote what Mr. Israil said in the Select Committee Report. He says:—

"The jute-growers can very reasonably expect that the money required for the enforcement of jute regulation scheme and other allied matters may well be met from the fund available——

Mr. SPEAKER: Mr. Banerjee, I think I should adjourn the House now for prayer.

[The House was then adjourned for 20 minutes.]

(After adjournment.)

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, I was just quoting from the note of dissent of Mr. Israil. But I think I need not inflict on the House a long quotation from Mr. Israil's note on this point. The note of dissent is printed here and any one who feels interested may go through it. He raised two points, one about the jute export tax of the Central Government from which the Bengal Government gets over two crores of rupees annually and the other

about the terminal tax known as jute cess from which the Calcutta Improvement Trust gets several lakhs of rupees, and his contention is that this sum should be utilised for any improvement of the condition of the jute workers and there should be no fresh taxation. I can add many more items to this because it will require really a very great expert to find out how the money realised from jute goes throughout the whole economic structure of Bengal. There is the income-tax which will require an expert to find out how much really comes from jute. Then there are the earnings from railways, steamers, banks and insurance companies and so many other things. If we carefully go through them we can see that a very large sum of money is really obtained by all the different institutions from jute. And therefore to saddle the jute-grower still more would be really absolutely unfair to them. But, Sir, it is not on that ground alone that I am opposing fresh taxation. This year it has been more psychological——

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, to cut short the discussion, I am prepared to accept the amendment regarding deletion of taxation.

Mr. SIBNATH BANERJEE: In that case, Sir, I have finished my speech. (Cries of "hear, hear" from the Coalition Benches.)

Mr. SPEAKER: I might say that it was entirely wrong to give that interpretation to Mr. Israil's action He only opposed the taxation measure, he did not oppose the amendment itself.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, as regards this amendment, it will be seen that not only members from the other groups——

Mr. SIBNATH BANERJEE: On a point of information, Sir. Does the Hon'ble Minister accept my amendment No. 295?

Mr. SPEAKER: That I don't know. He will say that himself.

Mr. SIBNATH BANERJEE: Sir, let us first know what is the position. Otherwise I may have to speak.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I accept amendment No. 180.

Mr. SPEAKER: What about amendment No. 174?

The Hon'ble Mr. TAMIZUDDIN KHAN: I oppose amendment No. 174 because that is the main clause. If this goes, i.e., if clause 8(*1*) goes, then it is better to withdraw the whole Bill.

As regards amendment No. 180, it will be seen that members from this section of the House tabled the same amendment and one of them expressed an opinion also——

Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. Would you give permission to Mr. Israil to move that amendment?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, Mr. Israil wanted to move it formally.

Mr. SPEAKER: As a matter of fact he spoke but forgot to move it, in the excitement.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I point out that he did rise?

Mr. SPEAKER: That was not the occasion. The occasion was when he delivered the speech After that he exhausted his right.

Maulvi ABDUL HAKIM: On a point of order, Sir. This motion stands in my name also. May I move it?

Mr. SPEAKER: It is too late now You ought to have done it before

Maulvi ABDUL HAKIM: Sir, only one or two minutes will suffice to move the motion

Mr. SPEAKER: I am sorry, it is not possible now.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, whether the member moves it or not, it is the same amendment. It is clear that this side of the House—at least some of them- thought in the same manner over this proposal as some members on the other side. On the other hand, I might say that Mr. Israil wanted to point out that those members of the Opposition who now tabled this amendment did not in the minute of dissent oppose this taxation proposal, whereas Mr. Israil——

Mr. DHIRENDRA NATH DUTTA: It is a misrepresentation of facts.

(There was some noise at this stage.)

The Hon'ble Mr. TAMIZUDDIN KHAN: I am sorry, Sir, I made a mistake. Mr. Israil corrects me. He says that it was the report of the Jute Enquiry Committee of which he as also some of my honourable friends opposite were members. They did not raise any voice of protest against the proposal of levy of cess, whereas Mr. Israil objected to taxation. However, Sir, in view of the opinion expressed by the different sections of the House, as I have already said, this amendment will be acceptable to Government.

Then as regards amendment No. 187, in view of the fact that the other one is being accepted, this amendment becomes unnecessary. Moreover, Sir, the drafting is such that it is not acceptable from that point of view also.

As regards amendment No. 193 which I have moved, it seeks to delete the first proviso to clause 8(*1*). Honourable members, if they refer to that proviso, will easily see that it is of a very complicated nature, and it is very difficult to understand what is actually meant. If that proviso is accepted, the whole thing will be very complicated and I do not know how it can be worked out.

As regards amendment No. 196, it is consequential to amendment No. 193. That will be acceptable.

Mr. SPEAKER: Then as regards amendment No. 295, that falls through.

The motion of Mr. Dhirendra Nath Dutta that in clause 8(*1*), lines 19 and 20, the words "and on payment of such fee, if any, not exceeding four annas for every acre of the land specified in the licence" be omitted, was then put and agreed to, amidst loud cheers from the Opposition Benches.

The motions of the Hon'ble Mr. Tamizuddin Khan that the first proviso to clause 8(*1*) be omitted, and that in the second proviso to clause 8, line 1, the word "further" be omitted, were then put and agreed to.

The motion of Mr. Asimuddin Ahmed that clause 8(*1*) be omitted, was then put and lost.

The motion of Babu Syama Prosad Barman that in clause 8(*1*), lines 19 and 20, for the words beginning with "on payment of such fee" and ending with "in the licence" the words "free of charge" be substituted, was then put and lost.

The motion of Mr. Sibnath Banerjee that in clause 8(*1*), lines 19 and 20, for the words "and on payment of such fee, if any, not exceeding four annas for every acre of the land specified in the licence" the words "free of all charges" be substituted, was then put and lost.

The question that clause 8, as amended, stand part of the Bill, was then put and agreed to.

Mr. SPEAKER: Clause 8 is finished. Let us now take up clause 9.

Clause 9.

Babu PREMHARI BARMA: Sir, I beg to move that for clause 9, the following clause be substituted, namely:—

"9. If for any reason a licensee is prevented from growing jute on any portion of the land specified in the licence and desires to grow jute on any land not so specified he may do so, provided that the total area of land on which he desires to grow jute is not in excess of the total area of land originally specified in the licence."

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 9 for the word "Collector" wherever it occurs, the words "Union Jute Committee" be substituted.

Mr. DHIRENDRA NATH DUTTA: I beg to move that in clause 9, line 5, for the word "may" the word "shall" be substituted.

Babu SYAMA PROSAD BARMAN: Sir, I beg to move that in clause 9, line 5, after the word "accordingly" the following words be added, namely:—

"and pending the disposal of an application under this section, the licensee may grow jute on any land not originally specified in the licence."

Mr. SPEAKER: Is there any honourable member who wants to speak on this motion, for I am anxious to finish this Bill to-day?

Babu PREMHARI BARMA: Sir, I want to say a few words in support of my amendment.

Mr. SPEAKER: I hope you will be very brief.

Babu PREMHARI BARMA: Sir, by the clause in the Bill if any grower of jute wants to grow jute on any other plot of land not specified in the licence he will have to go to the Collector for permission to do so, and if this clause remains it would be very difficult for the poor jute-growers, especially those who reside in the interior of the district,

to go to the Collector and apply to him for this permission, and if he is to go to the Collector and apply for special permission then he will have to incur heavy expenses also. So, it is desirable that any grower of jute may grow jute on any other plot of land, provided that the total area on which he has grown jute be not in excess of the total area specified in the licence.

With these few words I commend my motion to the acceptance of the House.

Mr. MD. ABUL FAZL: Sir, the object of my amendment is to give power to modify a licence to the Union Jute Committees. They have very little to do and the Collector or his representative or any other officer whom he may appoint will not have sufficient time to deal with these cases. These officers are also not easily accessible, and it will be very difficult for the poor people to get their licences modified or changed by going to them. It will also take a long time and will involve expenses. Besides it will be a cumbrous process. But the Union Jute Committees will be able to change the licences quite easily, and this will not involve much expense. So I request the Hon'ble Minister to kindly consider the matter and accept my amendment

Mr. DHIRENDRA NATH DATTA: Sir, only one word. In view of the proviso that the total area should not exceed the area originally specified, I do not think that this matter should be referred to the Collector, but should be dealt with by the Union Jute Committee. I say this, Sir, in view of the proviso.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose all the amendments. Most of these amendments have been tabled through a misapprehension, because if honourable members will look to clause 8(*1*)(*a*), they will find that any jute-grower who does not like to grow jute on the land for which he has got the record, that is, on which he had sown jute in the previous year concerned, in that case he can apply to the Union Jute Committee for sowing jute upon some other plots, and the Union Jute Committee will grant him licence accordingly. But if later on he again wants to sow jute on some other land, in that case only he has to go to the Collector. Therefore, to replace the Collector by the Union Jute Committee would be altogether out of place.

The motion of Babu Premhari Barma that for clause 9 the following clause be substituted, namely—

"9. If for any reason a licensee is prevented from growing jute on any portion of the land specified in the licence and desires to grow jute on any land not so specified he may

do so provided that the total area of land on which he desires to grow jute is not in excess of the total area of land originally specified in the licence,"

was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 9 for the word 'Collector" wherever it occurs, the words "Union Jute Committee" be substituted, was then put and lost.

The motion of Mr Dhirendra Nath Dutta that in clause 9, line 1, for the word "may" the word "shall" be substituted was then put and lost.

The motion of Mr. Syama Prosad Barman that in clause 9, line 5, after the word "accordingly" the following words be added, namely:

"and pending the disposal of an application under this section, the licensee may grow jute on any land not originally specified in the licence,"

was then put and lost.

The question that clause 9 stand part of the Bill was then put and agreed to

Clause 10.

Mr. NIKUNJA BEHARI MAITI: Sir, I beg to move that in clause 10(2), line 2, for the words "fifteen days", the words "thirty days" be substituted

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose this amendment

The motion was then put and lost

The question that clause 10 stand part of the Bill was then put and agreed to.

Clause 11

Mr. SPEAKER: This motion (No. 225-6) is a negative motion, so it does not arise. Is anybody willing to speak on this clause?

I see nobody wants to do so. So I will put the clause.

The question that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 12(2), line 3, for the word "Collector" the words "Subdivisional Magistrate" be substituted.

I do not want to make a speech, Sir.

The motion was then put and agreed to.

The question that clause 12 as amended stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clause 14.

Mr. ASIMUDDIN AHMED: Sir, I beg to move that clause 14(*1*) be omitted.

Mr. SPEAKER: We are not going to take up at this stage the remaining amendments to this clause, but will now take up clause 5A. Clause 14 is left over because there are certain consequential matters arising out of clause 5A which will have some effect on clause 14 So I want to dispose of clause 5A first.

Clause 5A.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that after clause 5 the following clause be inserted, namely:—

5A. For the purpose of giving immediate effect to the object of this Act in so far as it relates to the regulation of the growing of jute, and notwithstanding anything contained elsewhere in this Act, in the year 1940—

(1) no grower of jute shall grow jute unless there has been entered in the record the name either of himself or of his predecessor in interest,

(2) no grower of jute shall grow jute on any area of land in excess of the area entered in the record against the name either of himself or of his predecessor in interest,

(3) the Director of Land Records, or any person authorized by him by general or special order in this behalf, shall in the prescribed manner report to the Subdivisional Magistrate every case in which jute is grown in the year 1940 by any grower of jute in contravention of any of the provisions of this section, and

(4) for the purposes of this section "record" means the record prepared by the Director of Land Records of all lands on which jute was grown in the year 1939 by any grower of jute and of such lands on which jute was grown in the year 1938 by any grower of jute as are incorporated in that record.

Sir, I need not make any long speech in moving this amendment. I indicated in my inaugural speech the reasons for which the Government have thought it fit to try to regulate the jute crop of 1940. Everyone knows that prices have been ruling very high for some time past and, therefore, if our cultivators are left free to do as they like, there is no doubt that there will be an excess production of jute. It will be very much in excess of the probable demand and, therefore, it is likely that prices will come down. It is in this view, Sir, that Government have thought it fit to try to regulate the crop of 1940, namely, this year, and accordingly an Ordinance has already been promulgated. This amendment in fact incorporates the salient provisions of the Jute Ordinance. I would only like to refer to one thing. There are some amendments (short-notice amendments) tabled by Mr. Shahabuddin and Mr. Nasarulla. Some members may be under the impression that these amendments may be moved, but if the provisions of these amendments are looked into, it will be seen that these will altogether nullify the object of the regulation. Government have given very serious consideration to the provisions of these amendments and it has been decided not to move them.

Dr. NALINAKSHA SANYAL: Who is the Malik to decide?

The Hon'ble Mr. TAMIZUDDIN KHAN: I don't like to say anything more, but I wish to hear the views which may be expressed by the Opposition

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the Hon'ble Minister entitled to refer to any motion which is not moved yet and has he the authority to declare on behalf of other members that they would not be moved?

Mr. SPEAKER: Every party is entitled to say that The Hon'ble Minister has only said that Government have decided not to have these amendments moved It is perfectly open to any party to say whether it will move a motion or not.

Dr. NALINAKSHA SANYAL: If these two motions are not moved by the respective Whips of the Government party, I hope they will be allowed to be moved from this side.

Mr. SPEAKER: Certainly.

Maulvi ABU HOSSAIN SARKAR: Sir, with your permission I beg to move the short-notice amendment standing in the name of Mr. Shahabuddin that in new clause 5A, as proposed by the Hon'ble

Mr. Tamizuddin Khan in his amendment No. 75, after sub-clause (4) the following be added, namely:—

"Provided that—

(1) any grower of jute may in the prescribed manner and form apply to the prescribed authority for the correction of the record on the ground that—

(i) he or his predecessor in interest grew jute in a year and on land in respect of which the record was ordered to be prepared, and the name either of himself or of his predecessor in interest has not been entered in the record, or

(ii) he or his predecessor in interest was, for sufficient reason, prevented from filing an objection in respect of the area entered in the record against the name either of himself or of his predecessor in interest or an objection to this effect was summarily dismissed without a hearing; and

(2) the prescribed authority shall, if satisfied that the application should be allowed, correct the record accordingly, or if not so satisfied, shall reject the application, and the order of the prescribed authority shall be final."

Mr. SPEAKER: You don't want to move amendment No 297

Maulvi ABU HOSSAIN SARKAR: No.

Dr. NALINAKSHA SANYAL: May I make my observations just now?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, this amendment of the Hon'ble Mr. Tamizuddin Khan seems to attempt for a lease of life to the Ordinance which has been recently promulgated, the Bengal Jute Regulation Ordinance No. 1 of 1940. The first part, paragraph 1 of this amendment, is identical with section 3 of the Ordinance and the other parts are covered by section 5 of the Ordinance and section 2(7) of the Ordinance. The whole purpose appears to be, Sir, to obtain powers to regulate the crop of 1940 and Government are in a hurry to put into a permanent piece of legislation certain temporary provisions with that in view. I oppose this amendment, in the first instance on the ground of the unnecessary loading of a permanent piece of legislation with a temporary provision of this character. We on this side of the House are quite anxious to have compulsory regulation of jute cultivation, and with that end in view we would like to have a more comprehensive piece of legislation as we have made it clear in the beginning.

With regard to the current year, our difficulty is that the estimate of land under jute cultivation that has been taken by a large number

of persons appointed without any experience and appointed to go over plots of land in different districts, of which they had no experience themselves, has led to a state of affairs in which it is very difficult for anybody, even for the Government,—the omniscient Government,—to obtain any dependable and correct statistics of jute land which has been under cultivation in 1939. That being the position, we are not sure that it would not entail great hardship on the tenantry of Bengal if Government are in a hurry to arrange, in order to placate a certain section, to have regulation introduced immediately, which may ultimately go against the interests of the cultivators generally. It has been argued by the Hon'ble Mr. Tamizuddin Khan that if jute cultivation is not regulated in 1940, the demand might prove to be very much lower than the large supply that he apprehends. It is common knowledge that the demand experienced this year is the result of war and it is also common knowledge, because the Government of Great Britain as well as other Governments have made it perfectly clear, that the war is not likely to come to an end at least in the course of 1940-41. It is also common knowledge that the theatre of war is likely to extend to the east and from all possible information we can safely come to the conclusion that the demand for jute is likely to be still greater in the coming year than what it was last year. For the last four years, the Governments in Europe were preparing for the war and the purchase of sand-bags and extraordinary equipments for war went on very briskly and intensely for at least two years before the war. In fact, as you may be well aware, sand-bag orders were received by the Government of India and through them by the Bengal mills last January—about eight months before the war was declared. Thus, the demand we met this year is in some measure likely to be increased next year if the war continues, for war purposes would not in any way cease. Even if the present demand only is maintained and does not increase in any way, I feel that there is no apprehension for a substantial fall in the price of jute. It has been argued that if jute cultivation is not controlled, the expansion in jute cultivation might be colossal. I ask the Hon'ble Minister in charge to look up statistical evidence to prove this contention of his. In the year 1926 when the price of jute went up to about Rs. 140 the jute land under cultivation in the following year went up only by about 10 per cent. The position is this: there is a sort of inelasticity in the matter of agricultural production, particularly in regard to area under cultivation. Our cultivators do not and cannot adjust their cultivation immediately following a particular kind of demand in a particular year. The land is there, they cannot extend the land nor can they ordinarily contract their cultivation. As a result of this many of them suffered during the period of depression. The position being that there is rather an inelastic supply of land, the maximum increase in the area under cultivation that might be expected would be from about 10 per cent. to a very large maximum which might be conceived of, namely, 15 per cent.

If the production exceeds even through some degree of intensive cultivation to an extent that the total yield comes up to about 25 per cent. more than the current year's production, the whole effect of that would be that the price of jute might fall from about Rs. 18 as was obtained during certain weeks of the current year to about Rs. 12, Rs. 13 or Rs. 14. Even then the price would be very much economical and fairly profitable to the cultivators of Bengal. There is absolutely no ground for the apprehension—the bogey—that immediately the control is lifted, there will be a complete smash of the whole range of prices,—as some of my friends who are dealing in the Fatka market apprehend,—and that probably the price will collapse and June and July delivery prices may go down to Rs. 50, Rs. 40 or even less. I do not mind what may be happening in the Fatka market. As a matter of fact, yesterday I was told that some prominent member of the Muslim Chamber of Commerce sold heavily, apprehensive of the probable lifting up of the Regulation. The result was that the price came down by Rs. 3 or Rs. 4. This morning also the price was showing a tendency of falling down. This will probably continue for another three or four days. This is not a matter in which we are interested. We are going to see the ultimate effect of the whole measure on the cultivators of Bengal. I find that the cultivators of Bengal would get more money into their pockets if the present Ordinance is lifted and if they are allowed to cultivate in their own way this year as in the last year. I would expect Government to make better arrangements for the survey of jute land and collection of statistics so that no cultivator may have any grievance. After all, we are not in a position to deal justice to each and every individual—that is what the Hon'ble Chief Minister argued. But collective statistics is a misnomer. When you go to a village if a villager who is unjustly handled owing to the miscalculation of your officers and who may starve with his family on account of that, comes up to you and beg for *dal-bhat*, it is the responsibility of the Hon'ble Chief Minister to provide for it. I want the Government to realise that they have not been able to collect correct statistics and correct figures, and it will be really highly prejudicial to the interests of cultivators to frame any measure of restriction on the basis of the statistics now collected. Thousands of villagers are coming up with complaints. We find reports of complaint from all parts of the province that this year it would be extremely unfair to the villagers if any restriction on the basis of 1939 quota is followed. As a matter of fact, on the floor of the House, feeling has been given expression to that in certain parts of North Bengal, East Bengal, West Bengal and Midnapore district, no statistics were taken at all, village after village. I can name instances of villages where jute recorders did not go at all and those people——

The Hon'ble Mr. A. K. FAZLUL HUQ: Is the opposition mainly on the ground that recording is inaccurate?

Dr. NALINAKSHA SANYAL: Yes, mainly. That is why it will be extremely unjust and unfair to the cultivators. We are absolutely at one with the principle and object of the Bill. But I would ask Government to examine how far it would be desirable and practicable to give effect to the measure in the current year.

There is another aspect of the question which I want the House to seriously consider. You may be aware that a part of the jute export duty comes to the province of Bengal. But, you might not be aware that the surplus out of the duty which is allocated to Bengal is allocated to all the jute-growing provinces *pro rata* on the area under jute cultivation in each province. Threatened as we are with a financial deficit, would it be fair to give other provinces a larger share of the total jute export duty and to permit this province of Bengal to suffer a smaller share by artificial reduction in the area under jute cultivation in the current year before we compel other adjoining provinces to come in line with us? I ask you very seriously to consider that if the proportion that is allocated to Bengal from out of the jute export duty is lower, then there will be very much more serious deficit and we will have to face a larger degree of taxation. Are our friends of the Coalition Party prepared to go to the villagers only to tell them that they have brought misery to the cultivators this year, as Government have not been able to take a correct estimate of their lands under jute cultivation? Could we satisfy the villagers by saying that we have been trying to do whatever we think best for them with the little bit of knowledge at our disposal, and they must please keep quiet. We are giving them some burden of taxes on their shoulders and they will be still more quiet—the quietude of death? That is the situation which I ask Government to carefully visualize.

There are also other amendments proposed—consequential amendments, I might say—amendments relating to punishments for failure to comply with the provisions proposed under this amendment, which also merit similar observations. I will not take the time of the House any more. The same observations would apply equally to all. If the Government propose to pursue the policy of regulation this year, probably they would be doing the grossest injustice to the cultivators of Bengal that they could do without knowing that they are doing it. It might be that just at the present moment, as there had been some amount of clamour on the part of certain sections of the people, there may be some necessity for saying—as Government have been declaring from time to time and issuing communiqués stating—that the intention of the Government is to force up prices. It might also be that it is to the interest of certain persons—certain individuals highly placed—to force up prices or keep up the prices at a high level, but that will not be to the permanent benefit of the jute-growers of Bengal. At the present moment, there is hardly 5 per cent. of the jute crop in the hands of the actual peasants and if there is any rise maintained at this

stage, it would only mean that certain middle-men would benefit out of that. What always happens, there is a tendency during the sowing season or just before sowing to declare that high price is likely to be obtained in the following year. That tendency will be accentuated by a measure of this character. Every year, we find and even to-day, we find that actual deliveries to-day are two or three rupees higher than the Fatka price. This of course is very rarely attained. Why is it so? It is because in the sowing season, the tendency of the mill-owners is to say that the tendency of the price is to go up and the poor cultivators are deluded to cultivate more lands with jute. Let not Government be drawn into that game. I ask the Hon'ble Mr. Tamizuddin Khan, who knows the peasants of Bengal very intimately, and I ask the Chief Minister also, to pause, consider and very carefully examine the provision of the Bill and at least stay their hands from the injustice that they are going to perpetrate on the tenantry of Bengal by pursuing this measure of regulation of 1940.

Mr. W. A. M. WALKER: Mr Speaker, Sir, it is with a full sense of responsibility that I rise to oppose the amendment of the Hon'ble Minister. In general my party is prepared to give support to this Ministry in legislation which we consider to be sound and in the best interests of the province. We have considered this amendment very carefully, and we have come to the conclusion that it is neither in the interests of the *raiyat* nor in the interest of this province as a whole. I will agree fully with Dr Sanyal for once perhaps (Laughter) that the survey which Government have undertaken or have attempted to undertake is absolutely incomplete and inaccurate. If this amendment is passed and regulation comes into force this year, there will be evasions and abuses, and I am sorry to say very considerable injustice to the *raiyat*. We have heard, Sir, various schemes of relaxations which might be allowed to the *raiyat* and various measures which might be put forward which would render this amendment and regulation this year a complete and absolute farce. Well, Sir, that may be, but we in this party still consider that despite these hints we should oppose this amendment. We do not know exactly from what source Government have obtained the statistics which have induced them to bring forward restriction for this year. They certainly have not consulted any of the interests which might have been able to advise them on this point I am amazed, Sir, that Government should pass over so lightly the possibility of very heavy war demands. It is impossible for them, I maintain, or anyone else to judge at this particular juncture what will be required in the way of goods for war purposes, and I can only stress the terrible danger to this province if we have an insufficient supply available. It may be news to members of this House,—but I do not think it is,—that the world stocks of jute at the end of June are likely to be abnormally low and unless there is an ample margin to provide against the possible vagary of weather conditions which might account

for anything up to 25 per cent. and the possible heavy demands for war goods, we consider that it would be absolutely dangerous to embark upon restriction. I will refer briefly to other jute-growing provinces. Mr. Kennedy in speaking on Monday stressed this point, and I think I can only emphasise what he said then. There is a very grave danger to this province in restricting without having the full co-operation of the other jute-growing provinces. I can tell the House that we have evidence that other jute-growing provinces are definitely putting up propaganda to increase their jute crops, and I need not stress what effect that will have on this province in relation to the jute export tax. This year undoubtedly if you restrict it would be a golden opportunity for those provinces. We in this party, Sir, have no objection to restriction of the jute crop provided there are reasonable safeguards for the interests of this province, and we argue that one essential safeguard is the wholesale co-operation of the other jute-growing provinces.

I would end up, Sir, by warning Government that restriction this year constitutes a very grave danger to the *raiyat* and also to this province. I would repeat again, Sir, that we do not oppose restriction but we do oppose it for this year.

Mr. SPEAKER: Mr. Shamsuddin, it will be desirable if you explain the attitude of your party. After that I will ask the Hon'ble Chief Minister to explain the whole position. If there is agreement on all sides of the House, the matter will be simplified.

Mr. SHAMSUDDIN AHMED: Sir, so far as the attitude of this party is concerned, there is not the least doubt that we are in favour of restriction, but restriction must be followed up by fixation of minimum price. Apart from that I agree with Mr. Walker, the Leader of the European Party, and Dr. Sanyal, who put the case very ably, that great danger would follow if this question of restriction is taken up as has been put forward by the Hon'ble Mr. Tamizuddin Khan. I personally and on behalf of my party can say this, that so far as the statistics that have been taken and the data that Government has taken from the *raiyats* this year are concerned, thousands of objections have been put forward. Without letting out the secrets of the Cabinet because I had the honour of holding this portfolio for at least 3 months —I can say that I had made up my mind on certain issue which the Hon'ble Chief Minister knows. I can quite realise the danger that will follow this year's restriction of crops with data which are not only incomplete but inaccurate. It will be avoided by the *raiyat* if you do follow it whether by Ordinance or by Legislation; the *raiyats* will disobey these orders and will sow their crops as they wish. What would be the result if they do this? If you want to follow this restriction up, you will have to bring those *raiyats* before courts of law and punish them. By doing this, you will bring down the Government

before the eyes of the public because the public know that this year's statistics are not only not accurate, but they were taken at a time when they should not have been done. I do not know under what circumstances Government took to their head to spend about 7 or 8 lakhs of rupees. If I were in charge of the portfolio I would not have done so. It was my intention that if statistics were to be taken, it should have been taken at a time when the crop was on the land and not when the crop had already been reaped. Even in some cases people do not know where the lands are and which lands are cultivated. Notices were not properly issued by Government. People thought that possibly new taxation would come forward and people came to me and asked, "Well, Sir, taxes and other penalties will follow, so let us put in reduced acreage" and so on. Therefore, Sir, so far as this party is concerned, the views are not only well expressed, but in the present atmosphere of the whole province we are for restriction, we are for legislation, we are for fixation of the minimum price of jute so that not only the cultivators might profit by it, but Bengal might get very good prices for jute. Jute is one of the crops by which Bengal can grow rich. Even the middle-men can profit by this crop; the cultivators can have heaps of rupees by growing this crop. Therefore, Sir, I would request my friend the Hon'ble Mr Tamizuddin and the Hon'ble the Chief Minister that this restriction should be absolutely withdrawn at least for this year. Of course, I do not mind restriction, but let proper statistics be taken, a proper survey be made and let not money be spent lavishly as in this year It that is done, I think it will redound to the credit of the Government of Bengal as also to the credit of the Bengal *raiyats*.

Mr. SPEAKER: This is just the point This is a very important and serious matter which has been discussed. Government have explained their attitude to me, and I hope they will decide the question on the merits of the discussion in this House And in view of that and in view of the importance of the matter, I will call upon different parties to explain their attitude in as few words as possible, but I do not propose to take votes to-day, if required.

Dr. NALINAKSHA SANYAL: Sir, let us hear Government to-morrow.

Mr. SPEAKER: Government will give their decision on Monday, because to-morrow is a non-official day and you cannot finish it to-day.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, if only different speakers would give the assurance to the House that they would finish in as few words as possible without any detailed arguments as to what their own views are, we may be able to come to a decision to-day.

Mr. SPEAKER: If you can come to a decision now, there will be an end of the matter. Will there be anybody on behalf of your party to explain in a very few words?

Maulvi AHMED ALI MRIDHA: Mr. Speaker, Sir, I would request the Hon'ble Minister to withdraw the amendment that he has moved. My position is this. The war is now continuing, and it will continue probably for years together. In that view, the jute market may continue to be in the condition in which it is at present. So, Sir, this is one argument.

Another argument is that the records have been prepared this year rather in a bad way. It was not possible for the Hon'ble Minister-in-charge to look thoroughly into the affairs of the Jute Registration Department. His own department did not contain experts. So he had to go to another department, and there some delay took place. That is why probably the records could not be prepared correctly and the mistakes rectified within the prescribed limit of time, as they should have been done. I myself have noticed that in many villages records have not been prepared correctly. In some cases the cultivators could not even avail themselves of the opportunity of having a proper record of the land under jute cultivation. In this view, Sir, I think we should not have restriction of jute in 1940.

Mr. ANUKUL CHANDRA DAS: Sir, on behalf of my party, I oppose restriction of jute. Not that jute should not be regulated. For it is a good thing to do it. But in this year what has been done? There has been a survey, but that survey is absolutely wrong, and if we proceed on the basis of that survey, it will be very difficult for the people to go on with their normal cultivation of jute. Restriction is to be placed, but that should be done on a sound basis. There should be a survey, an accurate survey before any restriction is placed. We have been receiving thousands of applications from the people complaining that if restriction is imposed, it will cause great difficulty. Therefore, Sir, we request Government not to impose restriction this year. They must prepare proper statistics before they can impose restriction.

Mr. SPEAKER: Who will speak on behalf of the Scheduled Castes?

Babu UPENDRA NATH BARMAN: I shall speak, Sir. The Hon'ble Minister has said on his first consideration motion that a survey has been made. That is true, but he has confessed that the record has been prepared in such a way that many agriculturists have got a record of increased land, which they did not actually cultivate. He has also said, Sir, that the sum total of recorded acreage in Bengal does not fall short of the previous year. Certainly, Sir, from these two confessions one would necessarily come to the conclusion that many

agriculturists could not record their lands, and in the total acreage of the year under record many agriculturists had lands recorded in excess of what they actually had under cultivation. That is a clear confession that the jute record that has been prepared this year is not a correct record. I have got, Sir, several petitions from my constituency. In one petition 213 members have signed it; while in another union board more than 300 people have signed a requisition that the jute record is not a correct record.

Mr. SPEAKER: So, you oppose the motion?

Babu UPENDRA NATH BARMAN: Yes, Sir, I oppose it and at the same time I say that a fresh record should be made in 1940, before proceeding with restriction.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, whatever may be the future of jute in Bengal in the year 1940, it has been extremely pleasant to us to hear the speeches that have been delivered in a spirit entirely free from a political bias and, as I feel, with the sole desire of advising Government on a question of this nature fraught with such vital consequences to the peasantry of Bengal. The House will realise that the question of the regulation of jute has been before the Government for some time past, and it was decided unfortunately rather late, that even for this year there should be some amount of restriction. We immediately proceeded to make a survey and we are now told practically from all sections of the House that the survey that has been made is full of defects.

Now, Sir, I am not prepared to go to that length, but I am free to admit that in the short time within which our officers have tried to make a survey of the jute acreage, the conditions also under which they have worked, and the paucity of officers who have had experience of this kind of work, may all have combined to render the record in some respects defective; but at the same time the records have given us a fairly accurate idea of the acreage of jute in Bengal. I am free to admit that there have been representations made to Government from various parts of the country regarding not merely the inaccuracy of the record, but also the fact that in many places there have been no entries of the jute-growing areas. Even to-day I have received several telegrams and they are pouring in every day. And the members of the Coalition party with whom we have been consulting from time to time have assured us that these objections and these complaints are very well founded. The position, therefore, is that if we are to have restriction we must have restriction on the basis of records which have been condemned by almost all sections of the House. As has been pointed out by Dr. Sanyal, it is better that there should be no restriction than that there should be hardship caused to any cultivator or

that, even unwittingly, we should be the cause of doing any kind of injury to any cultivator in Bengal. We have therefore been considering this question and from the debate that has taken place it is evident that there is almost a unanimity of opinion that it would be unwise, if nothing else, to proceed with the work of restriction at least for this year, 1940. One thing that is absolutely necessary is to allow some kind of relaxation in the matter of permitting cultivators to put in objections, in case we proceed with our work of restriction this year, but the position becomes absolutely clear that such a method would itself nullify the very object of the Ordinance. If you allow the cultivators to sow indiscriminately and then allow objections to pour in, practically there will be indiscriminate sowing and then once lands were sown with jute, it will be very difficult to nullify the result of such action. Prosecution might be undertaken, but then that would make everyone of us very unpopular. All things considered, therefore, it seems to us that Government would be taking upon itself a very heavy responsibility to go against the consensus of opinion and to persist in a policy of restriction in the year 1940. We do not however admit that no good would have come if we had been able to go on with restriction and even now, although some members of the Coalition party have spoken against this clause, nevertheless, we had decided to go on with restriction, I have no doubt that they would have supported this policy. (Some members from the Coalition Benches: Certainly), but the question is not whether we can carry this clause in the House in the teeth of opposition, but the question is whether in view of the opinions that have been freely expressed, we should not yield to the opinion which has been so clearly expressed and fall in line with those who have taken part in the debate and who have advised that in these circumstances this clause should be withdrawn.

Sir, I have consulted my colleagues and I am authorised to state that in view of the opinions that have been expressed in this House, Government are prepared to withdraw this motion. (Loud cheers from the Congress Benches.) The result will be that the Ordinance will have to be withdrawn, but we expect that so far as the permanent regulation of jute is concerned, the Bill that will be before the House will be one which will emerge as an Act full of great possibilities for the future of jute in Bengal. We have only one object in view which is to co-operate to solve a question of inextricable difficulty bristling with many complicated factors and many complicated questions. It is for the present that we are retracing our steps, and we are doing so under the best of advice and in a spirit of compromise with all sections in this House. I have got nothing further to say. I hope, Sir, that the decision that we have taken will redound to the prosperity of the peasant population of Bengal. (Loud and continued cheers from all sides of the House.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to withdraw my motion No. 75.

Mr. SPEAKER: Leave has been asked by the Hon'ble Mr. Tamizuddin Khan to withdraw his motion No. 75. Is there any objection?

(There was no objection.)

The motion of the Hon'ble Mr. Tamizuddin Khan that after clause 5 the following clause be inserted, namely:—

5A. For the purpose of giving immediate effect to the object of this Act in so far as it relates to the regulation of the growing of jute, and notwithstanding anything contained elsewhere in this Act, in the year 1940—

(1) no grower of jute shall grow jute unless there has been entered in the record the name either of himself or of his predecessor in interest,

(2) no grower of jute shall grow jute on any area of land in excess of the area entered in the record against the name either of himself or of his predecessor in interest,

(3) the Director of Land Records, or any person authorized by him by general or special order in this behalf, shall in the prescribed manner report to the Subdivisional Magistrate every case in which jute is grown in the year 1940 by any grower of jute in contravention of any of the provisions of this section, and

(4) for the purposes of this section "record" means the record prepared by the Director of Land Records of all lands on which jute was grown in the year 1939 by any grower of jute and of such lands on which jute was grown in the year 1938 by any grower of jute as are incorporated in that record,

was then, by leave of the House, withdrawn.

Mr. SPEAKER: As the main thing goes, all the amendments fail.

Mr. SIBNATH BANERJEE: On a point of information, Sir.

Mr. SPEAKER: I know of it, and I will consider the point tomorrow. I will now adjourn the House.

Adjournment.

It being 7-40 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 1st March, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 1st March, 1940, at 4.45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 222 members.

STARRED QUESTIONS

(to which oral answers were given)

Sufferings of people of Dhakuria and Tiljala due to flood.

***154. Dr. NALINAKSHA SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Public Health Department aware of the sufferings of the people of Dhakuria and Tiljala wards of the Tollygunge Municipality due to increasing onrush of flood on their homesteads for the last few years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what measures the Government propose to adopt for the immediate alleviation of the distress of the people as well as for the ultimate control of the flood?

(*c*) Have the Government taken any steps so far in that connection?

(*d*) Will the Hon'ble Minister be pleased to state what are the approximate periods of time by which these measures may be completed?

MINISTER in charge of PUBLIC HEALTH DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) to (*d*) The hon'ble member is referred to the reply given on the 24th August, 1937, by the then Health Minister, to starred question No. 78A, asked by Mr. N. N. Sen, and to the reply given by me during the current session to unstarred question No. 44, by Rai Harendra Nath Chaudhuri.

Dr. NALINAKSHA SANYAL: With reference to answer to Rai Harendra Nath Chaudhuri's unstarred question No. 44, may I enquire what happened between November, 1938, when the final report and estimates of the Engineer were prepared and the scheme was ready and now to prevent Government from pursuing the scheme? In that answer it is stated that the final Public Health Department Engineer's scheme, the cost of which was estimated at Rs. 1,50,000 was prepared and sent; thereafter, there was some correspondence between the Tollygunge Municipality, the Calcutta Corporation and the Government, and on that account there was delay. I am just reminding you of the answer. May I know what happened between May, 1938, when the last reply was sent and February, 1940, *i.e.*, the present time? Why have not Government proceeded with the scheme after that?

Mr. SPEAKER: You might straightaway ask the question: why have not Government proceeded with the scheme?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is not a fact that the Government have not proceeded with the scheme.

Dr. NALINAKSHA SANYAL: That is why I referred to the answer to Rai Harendra Nath Chaudhuri's question. The last letter with which the matter rests is dated the 11th May, 1938. Since then it does not appear that anything has been done. I should like to know what happened between May, 1938, and now.

Mr. SPEAKER: I think if you read the statement it makes the whole thing clear. There was a Conference. After that it was stated that the matter should be proceeded with, and that the Calcutta Corporation should do something. Apparently the Calcutta Corporation did not do anything.

Dr. NALINAKSHA SANYAL: That was long ago.

Mr. SPEAKER: Nothing happened afterwards.

Dr. NALINAKSHA SANYAL: That was the last thing we heard.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: This is an assumption of the honourable member which is not correct. If he wishes to know I may inform him that the plans and estimates are ready, and we are just sending them off to the municipality for their approval.

Dr. NALINAKSHA SANYAL: In the statement it is stated that the municipality's approval has been received.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The estimates prepared are being sent to the municipality for its final approval.

Dr. NALINAKSHA SANYAL: How many "final" approvals are required?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That I could not say.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time the scheme could be expected to be completed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That I could not say very well.

Mr. ANUKUL CHANDRA DAS: Is it a fact that the whole area gets covered with water and that it is impossible for people to come out of their houses?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is true that the area gets covered with water, but I cannot say that the people cannot come out of their houses.

Mr. ANUKUL CHANDRA DAS: Is it a fact that the Hon'ble Minister in charge of Local Self-Government and the Hon'ble Minister in charge of Irrigation, visited those places themselves, and, if so, why, even after having personally seen the conditions there, they have not taken any action?

Mr. SPEAKER: That question does not arise

Mr. ANUKUL CHANDRA DAS: Is it a fact that the Hon'ble Ministers visited those places?

Dr. NALINAKSHA SANYAL: They went: that is stated in the reply.

Water-hyacinth menace in Bakarganj.

***155. Maulvi ABDUL WAHAB KHAN:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the agriculture, sanitation, communications and drainage of the district of Bakarganj are being affected through—

(*i*) accumulation of water-hyacinth in the water-logged *bil* areas;

(*ii*) silted up *khals*; and

(*iii*) lack of embankment of the Satla *bil*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken or they propose to take in the matter?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Owing to the accumulation of water-hyacinth in *bils* and waterways and the silting up of *khals* through natural and man-made causes, the sanitation, agriculture, communications and drainage of some places in the district of Bakarganj have been adversely affected. The Satla *bil* covers a very extensive area and the construction of an embankment round such an area does not appear to be the best way of improving agriculture, sanitation, communications and drainage.

(*b*) Investigations are being made with a view to the preparation of schemes for the improvement of the affected areas.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether a scheme for the construction of an embankment of the Satla *bil* with sluices for letting in and out the water according to necessity has been considered?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: This is a matter which is receiving the attention of Government. I remember it was brought to the notice of Government by the honourable member during the budget discussion last year, and the question is being examined by experts It is premature to say what will be their recommendations—whether they will recommend sluices for the drainage of that area or recommend some other measures.

Maulvi ABDUL WAHAB KHAN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether Government are proceeding only with a scheme for the Satla *bil* area and not other affected areas?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The Satla *bil* area was the area which was specially mentioned by the honourable member and the question of other areas which are connected with it or will require to be considered along with the scheme for the Satla *bil* area will, I believe, also be considered when the investigation is taken in hand.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of appointing a Special Officer to examine the question of the clearing of water-hyacinth and the silting of *khals* and *bils*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: To take the question for the whole province will be too big a question for me to answer off-hand, but we shall consider the suggestion when the proper time comes.

Provision of facilities for waiting rooms and latrines for females in Sub-Registry offices.

***156. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that in many Sub-Registry offices in Bengal there are no—

(*i*) waiting rooms, and

(*ii*) urinals and latrines for the females?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state what steps he proposes to take in the matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) In some of the offices there are no waiting rooms, urinals or latrines.

(*b*) There is provision for waiting rooms in offices located in all Government buildings and in some hired buildings. Owners of hired buildings in which no such facility exists are being gradually induced to provide waiting rooms.

There are arrangements for latrines in or nearabout offices situated in municipal areas. Due to the heavy cost involved as well as the paucity of sweepers, it is not possible to make such arrangements in other offices. Parties make their own arrangement according to the custom of the countryside.

Maulvi MUHAMMAD ISRAIL: With respect to answer to question (*b*) in view of the fact that females have to wait in the Sub-Registry offices sometimes for 6 to 8 hours, and in view of the fact that

these offices are situated generally in thana headquarters where sweepers are available, will the Hon'ble Minister be pleased to say whether Government consider the desirability of providing facilities for latrines and urinals for females in those places?

The Hon'ble Mr. A. K. FAZLUL HUQ: The answer is in the affirmative. The Inspector-General of Registration is himself looking into the question, and he has instructed the Inspectors of Registration Offices to send up proposals. But it is a question of funds, and we are trying to meet the situation as much as possible.

Failure of cardamom and other crops in Darjeeling.

***157. Mr. B. MUKHERJEE:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there has been failure of the cardamom, potato and maize crops in Darjeeling district owing to drought last year;

(*ii*) that this has caused misery among the cultivators of the district; and

(*iii*) that they have held public meetings for appealing to the authorities for total remission of rents in the *khas mahal* areas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to grant remission of rent to the tenants of the *khas mahal* areas in the district?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes. There has been partial failure of the crops mentioned

(*ii*) To a certain extent.

(*iii*) Yes.

(*b*) Yes. It is under contemplation of Government to grant partial remission of rent according to the extent of damage done.

Prevention of floods due to breaches in the embankment of the Coomti in Tippera.

***158. Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether there was a conference called by the Hon'ble Minister with some members of this House as well as of the Council

for the Tippera district to solve the problem of preventing floods due to the breaches in the embankment of the river Goomti in the district of Tippera?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the members assembled there agreed with the Chief Engineer of the Government of Bengal—

(*i*) that the only solution to prevent flood is to abolish embankments of both sides of the river Goomti in the district of Tippera; and

(*ii*) that pending the final solution by abolishing the embankments of both sides of the river Goomti the members pressed upon the Hon'ble Minister that that portion of the northern embankment which is not maintained either by the Government or Tippera Raj should immediately be looked after by the Government in order to prevent the floods which occur annually in that portion for the last few years?

(*c*) If the answer to (*b*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps Government have taken—

(*i*) to abolish the embankments for finally preventing future floods; and

(*ii*) for the maintenance of that portion of the embankment which is not maintained by the Government now?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) It was agreed that the ideal solution would be to abandon the marginal embankments retaining sufficient length to protect Comilla. It was also agreed that before the embankments were abandoned it was desirable to make a survey with the object of ascertaining the extent of any damage which might occur, and the possibility of preventing or minimising loss by the introduction of alternative crops or otherwise. On the completion of this survey the question of abandonment should be finally decided. It was also considered that pending the final decision the non-Government portion of the embankment should be maintained in its present condition, i.e., breaches should be repaired as they occur but no effort should be made to raise the height of the embankment.

(*c*) I have ordered the preparation of an estimate of the cost of making a survey of the area likely to be affected if and when the embankments are abandoned. An estimate of the cost of maintaining the non-Government portion in its present condition is being made, and the method of financing this work is under consideration.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the breaches in the non-Government portion which occurred due to flood last year have been repaired now?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Sir, it has been said in the answer—"It was also considered that pending the final decision the non-Government portion of the embankment should be maintained in its present condition, *i.e.*, breaches should be repaired as they occur but no effort should be made to raise the height of the embankment". So my question is whether the breaches have been repaired.

Mr. SPEAKER: What has been done in a particular year is a different question.

Mr. DHIRENDRA NATH DATTA: Sir, I only want to know whether the breaches have been repaired?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, I believe some of them were repaired by the Collector.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that the breaches have not been repaired?

Mr. SPEAKER: That question does not arise.

The Hon'ble Chief Minister's visit to Madaripur in January, 1940.

***159. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble the Chief Minister be pleased to state whether he visited Madaripur by the middle of January, 1940?

(*b*) If so, was it an official visit?

(*c*) Is it a fact that in the course of his speech at Madaripur he stated that it was not possible to fix a minimum price of jute?

(*d*) If so, was it his individual opinion or that of the Local Government?

(*e*) Is it a fact that he further stated that to improve their economic condition the peasantry of Bengal should take to small industries, horticulture and poultry, like the peasantry of Madras?

(*f*) If so, will the Hon'ble Chief Minister be pleased to state what arrangement the Government have made or propose to make for financing rural industries?

The Hon'ble the CHIEF MINISTER (the Hon'ble Mr. A. K. Fazlul Huq): (*a*), (*b*) and (*c*) Yes.

(*c*) It is not possible to answer such a question categorically.

(*d*) Does not arise.

(*f*) The question is receiving attention.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the agriculturists who assembled there while he was at Madaripur demanded that a minimum price of jute should be fixed?

Mr. SPEAKER: What they demanded does not arise here. You wanted to know certain purport of his speech in your question. You can speak on that at the time of the budget discussion.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he said that it was not possible to fix a minimum price of jute?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have answered that question.

Mr. SURENDRA NATH BISWAS: The answer is not intelligible.

The Hon'ble Mr. A. K. FAZLUL HUQ: The honourable member will realize that it is very difficult to answer such a question categorically, yes or no.

Mr. SURENDRA NATH BISWAS: Sir, I wanted to know what did he say about the fixing of the minimum price of jute.

Mr. SPEAKER: I am afraid, that question does not arise.

Mr. SURENDRA NATH BISWAS: Sir, will you kindly help me in obtaining this information.

Mr. SPEAKER: As a matter of fact, I can tell you that I admitted your question with a good deal of reluctance. You will realize that it is impossible to get at what he acually meant unless a verbatim report of his speech is available.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he asked the agriculturists who assembled there to improve their economic condition by taking to small industries, horticulture, poultry, etc., while in answer to the demand of the local people for financial help to add to their income?

Mr. SPEAKER: He has already answered that question.

Mr. SURENDRA NATH BISWAS: May I know what was the demand?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if it is a fact that the Hon'ble Minister in asking them to improve their economic condition rebuked the people assembled there saying that they were not taking up horticulture, while he himself was——

Mr. SPEAKER: That question does not arise.

The Hon'ble Mr. A. K. FAZLUL HUQ: I had better make a statement.

Mr. SPEAKER: I cannot allow you to make a statement now

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that there are already several organisations in Bengal like the All-India Village Industries Organisation, the All-India Spinners Association, the Khadi Prathistan, etc., engaged in introducing small industries in villages?

Mr. SPEAKER: That question does not arise

Division of a Union into several wards for election purpose.

***160. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether representations from the voters of various Union Boards have reached the Government to divide the Unions into several wards for proper representation of all the wards in a Union?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry has been made in the matter; and

(*ii*) whether the Government have come to a decision in the matter?

(*c*) Is the Hon'ble Minister considering the desirability of dividing each Union into several wards as has been done in the case of all municipal towns?

(*d*) Is the Hon'ble Minister aware that the election of the Union Boards will take place in a few months' time?

(*e*) If so, do the Government contemplate coming to their decision in the matter at an early date?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) whether he has received any representation from the voters of Noagram Union No. 4, police-station Lohagarah, in the district of Jessore, to divide that Union into several wards; and

(*ii*) whether any enquiry was made by the Circle Officer in the matter?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state when the Union is likely to be divided into wards?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No.

(*b*), (*e*) and (*g*) Do not arise.

(*c*) No. The hon'ble member is referred to rule 2 of the Election Rules for Union Boards, a copy of which is laid on the Library table. I may mention, however, that this matter will receive consideration in connection with the question of the introduction of the ballot system of voting in Union Board elections which is at present under examination by Government.

(*d*) Government have no information.

(*f*) No such representation has been received.

Improvement of the Falakata-Alipur-Duars Road in Jalpaiguri.

***161. Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the jurisdiction of the Alipur-Duars subdivision of the Jalpaiguri district extends up to the Jaldaka river of the Western Duars;

(*ii*) that the people residing within the Madarihat, Dhupguri and Falakata police-stations have got to attend courts and public offices at Alipur-Duars;

(*iii*) that there is no direct rail communication from these places to Alipur-Duars;

(*iv*) that the only road which connects these [illegible] lipur-Duars is one unmetalled road which passes through Falakata and which is intersected by two big rivers, Toorsa and Kaljani, which are unbridged for which no motor bus communication is possible; and

(*v*) that even carts cannot reach Alipur-Duars from these places before 12 to 14 hours?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take for the improvement of the Alipur-Duars Road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) to (*iv*) Yes.

(*v*) I have no information.

(*b*) I hope that the improvement of the Falakata-Alipur-Duars Road will be taken up in course of the next two or three years.

Ejectment of non-agricultural tenants in municipal areas and market places.

***162. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the landlords are issuing notices on and instituting ejectment suits against the non-agricultural tenants in municipal towns and in market places, *bandars* and trade centres in large number after the publication of the Government communique in this connection on the 25th August, 1939?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what step or steps the Government have taken or propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Attention is drawn to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill, 1940, which was introduced on the 15th February, 1940.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the reasons which prompted Government to exclude some tenants in some municipal areas to which the Police Suburban Act applies and tenants under Central and Provincial Government and under certain local bodies?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The House will soon get a chance of considering the report of the Select Committee on the Non-Agricultural Tenancy Bill, and I do not think it necessary to answer this question at present.

Mr. NISHITHA NATH KUNDU: In view of the reply just now given by the Hon'ble Minister, will he kindly state how it was possible to enact a temporary provision Bill for giving facilities to other classes of tenants than those referred to in my first question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Bill will soon come up for consideration and the whole question will be discussed in that connection. I do not carry in my memory the provisions of the Bill and I cannot repeat what they are.

Want of platform at Jangipur Road and Khagra Ghat Road stations on the East Indian Railway.

*163. **Rai Sahib KIRIT BHUSAN DAS:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there are no platforms at the Jangipur Road and Khagra Ghat Road stations on the East Indian Railway;

(*ii*) that there is heavy traffic of passengers at both stations owing to the existence of the Civil and Criminal Courts at Jangipur and Berhampore, specially the latter place being the headquarters of the district; and

(*iii*) that passengers, specially women, feel inconvenience in getting into the trains?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) The attention of the Railway administration concerned was drawn to the matter in 1937 and it was ascertained from them that raised platforms at Khagra Ghat Road and other stations would be taken up for construction when funds permitted according to the priority list prepared by them.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether Government is in a position to give the information whether the income of the East Indian Railway has been increased to such an extent as to take up the work of raised platforms, as mentioned in the answer?

Mr. SPEAKER: That question cannot be answered here.

Application of Defence of India Rules, 1939, upon editors of journals in Bengal.

***164. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the cases in which orders were issued upon editors of journals in Bengal under rule 116 of the Defence of India Rules, 1939, up to the latest date available; and

(*ii*) the steps taken by the Bengal Government or by competent officers of that Government in each of those cases to ascertain before such notices were issued how far the reports published were based on false or inadequate information and how far they were covered by the exceptions mentioned in the explanatory note to section 2 (*2*) (*v*) under Chapter II of the Defence of India Act, 1939?

(*b*) Is the Hon'ble Minister aware—

(*i*) that it is difficult to conduct any newspapers if the editors are called upon to expose the sources of their information or the names of their news correspondents; and

(*ii*) that the action taken under rule 116 of the Defence of India Rules, 1939, has caused some intimidation in a section of the Press and is likely to prevent a free and honest publication, with a view to their removal, of matters relating to maladministration, or which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects?

(*c*) Are the Government considering the desirability of resorting to the ordinary laws of the land and not to the special or emergency measures arising out of the war situation, for the prevention of the alleged "irresponsible dissemination of rumours and insinuations in some section of Press"?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) A statement is placed on the Library table.

(*ii*) Each case was carefully scrutinised and the orders were issued because the material published in no case was such that enquiries could be made to establish whether the allegations or insinuations made were true or false. The provisions of law quoted were borne in mind in making the orders.

(*b*) (*i*) I recognise that editors prefer not to disclose names of informants. I do not admit that it is necessarily difficult to conduct a paper if they are required to do so.

(*ii*) No.

(*c*) I shall not hesitate to resort to the ordinary law if I consider that it is adequate and suitable to deal with cases as they arise. For my views as to responsibility for the use of emergency powers at present the member is referred to paragraph 5 of the press-note, dated the 2nd February, 1940, of which a copy is placed on the Library table

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state the specific offending article or articles on account of which each of these newspapers was served with the notices referred to?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, a statement has already been placed on the library table. If the honourable member wants further information I suggest the proper course would be to ask about the particular grievance that he may have and information will be supplied.

Dr. NALINAKSHA SANYAL: Sir, my question was there and a statement is given. In the statement the names of the papers are given and the dates——

Mr. SPEAKER: The answer is also there.

Dr. NALINAKSHA SANYAL: But I wanted to have further information elicited as to the offending article or articles for which each of these newspapers was served with notices.

Mr. SPEAKER: Sir Nazimuddin, Dr. Sanyal wants to know whether you are prepared to let him have a list of papers enumerating the articles——

Dr. NALINAKSHA SANYAL: The articles are not given. Only the names of the papers are given. I want the articles.

Mr. SPEAKER: Dr. Sanyal wants the names of the articles with respect to which action was taken.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if the honourable member will put a fresh question giving the name of the paper against which action was taken, I will certainly be able to give the information.

Dr. NALINAKSHA SANYAL: Will th e Minister be pleased to state if with reference to the paper *Hindusthan* the two offending articles were.....and.....

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: The question is there and the press-note refers to these two articles. I will just read it out; it is mentioned and an editorial has been written therein by the editor of the *Bengal Weekly* that——

Mr. SPEAKER: I am not concerned with that. I am concerned with the answer given to your question. You should ask questions arising out of that answer.

Dr. NALINAKSHA SANYAL: I have asked that question. To that the reply has been given that if specific question is put——

The Hon'ble Khwaja Sir NAZIMUDDIN: No, no. Fresh question.

Mr. SPEAKER: You yourself supply information. You ask what was the reason for taking action against such and such papers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in most, if not all, of these cases the editors have been proceeded against for alleged articles relating to Hindu-Muslim tension?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite possible, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any paper conducted by Muslim editors that has sought to inflame Muslim feelings against Hindus has been proceeded against?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as far as this particular section is concerned it deals with the publication of allegations which cannot be verified or replied to by Government. Action has been taken to find out the source from which these allegations have emanated, so that Government can either meet those points or refute them. In the case of Muslim papers no such allegations have been made.

Dr. NALINAKSHA SANYAL: Is it a fact that Muslim papers were not proceeded against because Government are already in possession of the source?

Mr. SPEAKER: You cannot ask that question. You ask whether Muslim papers were proceeded against or not

Dr. NALINAKSHA SANYAL: The Hon'ble Minister himself suggests that Government has proceeded against certain newspapers where they have not got sufficient materials to ascertain whether allegations contained in the articles are based on facts or not. So I am asking that Muslim papers have not been proceeded against because Government are already in possession of sufficient material.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not a fact. On the other hand Muslim papers were not guilty of publishing allegations of this character.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the explanation to the Defence of India Act, section 2(r), it is stated:

> "To point out without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects does not amount to promoting such feelings within the meaning of this clause"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I cannot express any opinion as far as the interpretation of that Act is concerned. That is a matter for other authorities than me.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government will give an opportunity to the newspapers concerned by proceeding against them in a Court of law to prove in the court that the Government's interpretation is wrong?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: Then it is cowardly.

Mr. SPEAKER: It might be cowardly but this is not the occasion to interrupt I hope you will realise it is no use bringing in feelings unnecessarily. If it is cowardly you have got other occasions to mention it You can discuss it in the budget debate, but this is not the time to interject like that.

Rai HARENDRA NATH CHAUDHURI: How am I wrong?

Mr. SPEAKER: If everybody goes on interjecting like this proceedings will be impossible.

Rai HARENDRA NATH CHAUDHURI: May I explain my position? Dr. Sanyal's point was that Government was avoiding the ordinary law of the land and not giving the delinquent papers any opportunity to appear before the court and question their orders. That is the point.

Mr. SPEAKER: I quite realise that. I do not object to your views, but I object to your interjection at this stage. You could have said this in your budget speech.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) will the Hon'ble Minister be pleased to state wherein Government finds powers of intervention in regard to alleged irresponsible dissemination of rumours and insinuations in some sections of the press as referred to in the communique? In the communique Government's argument is that Government feels justified in proceeding against papers under the Defence of India Rules No. 116 on the ground—it is quoted from the communique—of alleged irresponsible dissemination of rumours and insinuations in some sections of the press. Wherein do you get this power?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already stated that under certain sections action has been taken and I maintain that it has been done legally and correctly.

Dr. NALINAKSHA SANYAL: Under which section? Will you kindly read out the section which gives this power to Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member has just now read out the section that anything that creates disaffection comes under that section.

Dr. NALINAKSHA SANYAL: Liable to create disaffection

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. Dissemination of irresponsible and false allegations is liable to create disaffection.

Dr. NALINAKSHA SANYAL: Sir, if you refer to the rule referred to, you will find that it reads like this:—

> "Without prejudice to any special provisions, etc., etc., Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order,

being information or an article which that Government considers it necessary or expedient in the interests of the defence of British India, the efficient prosecution of the war or the public safety or interest to obtain or examine."

That is all the power Government has got. Government does not seem to possess any power regarding alleged dissemination of rumours and insinuations in some sections of the press.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as far as these statements are concerned they are likely to disturb public safety. Therefore, action has been taken.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) wherein the Hon'ble Minister has quoted the communique of 2nd February, 1940, will the Hon'ble Minister be pleased to state the specific cases which have been referred to therein as eight cases in which orders were issued upon the editors calling for specific details——

Mr. SPEAKER: I am afraid, Dr. Sanyal, you cannot ask for details.

Dr. NALINAKSHA SANYAL: Sir, there has been an attempt made to create an impression in the public mind by that communiqué that certain things have taken place.

Mr. SPEAKER: You can discuss these things in the General Administration Budget, because then you can make a statement upon the subject.

Dr. NALINAKSHA SANYAL: Sir, you know very well how much time one can have and how many items and motions can be taken up at that time.

Mr. SPEAKER: But you cannot ask a supplementary question on that.

Dr. NALINAKSHA SANYAL: Sir, I am only obtaining information which I may use at the time of discussion of the Budget.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I read out from a paper, Sir? "It is impossible even for God to know how things are managed in the Special Branch on the strength of the report——"

Dr. NALINAKSHA SANYAL: I want to know what the Hon'ble Minister would say if I insisted on objecting to a printer's error in another case.

The Hon'ble Khwaja Sir NAZIMUDDIN: How can I say that unless the honourable member——

Mr. SPEAKER: I am afraid, Dr. Sanyal, you are cross-examining on the details. If you have got any general question, you can ask it.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that editors take the responsibility regarding the communications and other publications in the paper?

The Hon'ble Khwaja Sir NAZIMUDDIN: Editors have not accepted responsibility for this. When they have been asked, they have not been able to state how they got the information

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that no responsible and honourable editor will disclose the names of the informants and it is a well-known etiquette of the journalists?

The Hon'ble Khwaja Sir NAZIMUDDIN: Without disclosing the names they can supply sufficient information to Government to enable them to make enquiries, but even that they fail to do

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that enquiries have been made regarding the names and addresses of the informants and not the subject-matter, and it is impossible for any honourable editor without a breach of etiquette to supply the information wanted by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have just come across to what Dr. Sanyal is referring. (Laughter.)

Dr. NALINAKSHA SANYAL: I do not want any statement, I want a straight reply.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. After the Speaker has allowed a supplementary question from a member, is the Hon'ble Minister entitled not to answer that and go back to some previous question?

The Hon'ble Khwaja Sir NAZIMUDDIN: My reply would have shown to Mr. J. C. Gupta that what I am stating is correct, and that printers and editors have made mistakes.

Mr. JOGESH CHANDRA GUPTA: I have not addressed any question regarding the printer's devil or mistakes by editors. My question is simple: Is the Hon'ble Minister aware that without the breach of the etiquette of journalism no responsible editor can disclose the names of informants and correspondents which they take the responsibility to publish? That is the question.

Mr. SPEAKER: That question has been answered, namely, that even retaining the journalistic etiquette they can supply sufficient information to Government.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister please tell the House whether they have insisted upon the disclosure of the names of informants and correspondents beyond the materials?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not in all cases. In one particular case, *viz.*, the *Lokmanya* (Hindi) of 1st January, 1940, expressed their apology that by mistake of the printer they mentioned Bengal instead of Sind. They said that in Bengal thousands of Hindus have been killed.

Dr. NALINAKSHA SANYAL: With reference to *Jugantar* of 7th December,——

Mr. SPEAKER: I am sorry, Dr. Sanyal, you have seen how Mr. J. C. Gupta has put his questions.

Dr. NALINAKSHA SANYAL: If specific names are allowed to be mentioned by the Hon'ble Minister I hope he will not deny me the opportunity——

Mr. SPEAKER: He has already answered the question of Mr. J. C. Gupta.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether criticising the policy of Russia comes under the mischief of the Defence of India Rules?

Mr. SPEAKER: That is a matter of opinion.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that the editor of *Noya Bangla* was warned for writing an article criticising the policy of Russia in occupying a part of Finland?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out to the honourable member that in the statement which has been supplied, the editor of *Noya Bangla* has not been shown to have been served with any order? That was a different thing altogether. It was not this.

Conditions regarding release of politic[illegible] [illegible]ns.

*165. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the terms and conditions that a political prisoner or prisoners, who has or have been ordered conditional release, has or have to abide by for securing release;

(*ii*) the reasons for imposing such terms or conditions; and

(*iii*) the number of prisoners—

(1) who have secured their release after subscribing to the terms and conditions, and

(2) who have refused to subscribe to the terms and conditions?

(*b*) Will the Hon'ble Minister be pleased to state whether different terms and conditions are made with different political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The conditions now imposed are:—a declaration by the prisoner on his word of honour that he has abandoned terrorism and undertakes that he will not in future resort to terrorism or acts of violence with a political motive and that he will not join, remain a member of or support any party or organization which employs or instigates terrorism and acts of violence for political ends.

The conditions remain in force for varying periods, in no case exceeding 5 years.

(*ii*) In the interests of the public safety.

(*iii*) (1) 17 and (2) 38.

(*b*) The terms of the conditions are now the same in all cases except that in the case of tuberculosis prisoners it is also required that the prisoners be admitted to an institution for treatment and remain there till discharged as fit.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if the political prisoners, who have been released so far by Government, were released on condition or there were any who were released unconditionally?

The Hon'ble Khwaja Sir NAZIMUDDIN: The majority of them have been released unconditionally.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if anyone of the prisoners who have been released unconditionally are conducting themselves in any way as to do something——

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNÅ GHOSE: Will the Hon'ble Minister please let us know the reason for making this invidious distinction between political prisoners in releasing some without any condition and imposing conditions in the case of some others?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a result of individual examination of cases——

(While the Hon'ble Minister was answering Mr. Atul Krishna Ghose made an interjection.)

Mr. SPEAKER: Mr. Ghose, if you interject in this way, I am afraid I shall have to disallow you from putting any more questions. If you are really interested in your question you should allow the Hon'ble Minister to complete his answer. Sir Nazimuddin, you need not answer his question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state with reference to his answer (*a*)(*i*) requiring political prisoners to make a declaration abjuring violence with a political motive and violence for political ends whether violence is to be abjured only for political motives and not for other purposes?

The Hon'ble Khwaja Sir NAZIMUDDIN: We do not insist on it, but certainly we do not approve of it.

Mr. NIHARENDU DUTTA MAZUMDAR: Do I understand that the declaration which is required of the political prisoners as a condition of their release does not contemplate the abjuration of violence of all kinds?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government have not yet accepted the policy of non-violence of all kinds (laughter).

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether such declarations were required of all the political prisoners who have so far been released?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already answered that question.

Mr. SIBNATH BANERJEE: With reference to answer *a* (*i*) that such a person is not to join or remain a member of any organization which employs violence for political ends—does that preclude those persons from joining the police and the army?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister please state who will judge in future whether a person has broken a condition framed in such wide terms, or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government.

Rai HARENDRA NATH CHAUDHURI: In that case does the Government expect that a person will commit himself to such wide terms and at the same time hand over his freedom to the discretion of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, he need not; he may continue to remain in prison, if he chooses.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether these conditions are available to all prisoners who have not yet been released?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir; they are available only to the 38 prisoners.

(Mr. Surendra Nath Biswas rose to put a supplementary question.)

Mr. SPEAKER: Mr. Biswas, I must say that Mr. Sanyal's question was the most important supplementary question put so far; so you must let him finish.

Mr. SASANKA SEKHAR SANYAL: Thank you, Sir. Will the Hon'ble Minister please state whether any distinction has been made between one prisoner and another who has not yet been released?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, and that not by me alone but by the Advisory Committee as well.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether after the report of the Advisory Committee, Government have considered the matter again in the light of the public opinion expressed in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government arrived at their decision on the report of the Advisory Committee, and that naturally.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether the conditions which have been attached to the release of the prisoners have been betrayed so far?

Mr. SPEAKER: That question does not arise. Your questions so far have been very pertinent, but in this case I fail to see what you are driving at?

(Mr. Nishitha Nath Kundu also rose.)

Mr. SASANKA SEKHAR SANYAL: I wanted to know, Sir, whether any of those conditions have been broken?

The Hon'ble Khwaja Sir NAZIMUDDIN: They may have been broken, but such breaches have not been of a degree sufficient to lead Government to revoke their freedom.

Mr. SASANKA SEKHAR SANYAL: In view of that fact will the Hon'ble Minister consider the desirability of reconsidering the matter of the political prisoners inside the jail afresh?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret this cannot be done.

Mr. SPEAKER: Next question.

(Mr. Nishitha Nath Kundu rose again.)

Mr. SPEAKER: Order, order, I have called the next question.

Mr. NISHITHA NATH KUNDU: Sir, I have been trying from the very beginning to put a supplementary question, but have failed. The original question was put by me, so I wanted to——

Mr. SPEAKER: Order, order; will you please sit down?

Agricultural Demonstration Farm in Khulna district.

***166. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact—

(*i*) that it has been proposed to establish one Demonstration Centre in each subdivision for agricultural propaganda in Bengal; and

(*ii*) that there is only one Demonstration Farm in the Sadar subdivision of Khulna?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of starting Demonstration Centres in the other two subdivisions of the district of Khulna?

(*c*) If so, when?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) I am afraid that the member has been misinformed. We have already got, on an average, more than one Demonstration Centre per subdivision. What we are now aiming at is to establish a Demonstration Centre at each thana and with that object in view we have been appointing ten additional Demonstrators every year. We are moreover proposing to establish 63 additional Union Board Farms and 189 additional Demonstration Centres next year by utilising the services of the special staff for jute areas appointed by the Indian Central Jute Committee during their spare time.

(*ii*) There are one Demonstration Centre and one Union Board Farm in the Sadar subdivision of Khulna, three Demonstration Centres and one Union Board Farm in each of the subdivisions of Satkhira and Bagerhat.

(*b*) and (*c*) Do not arise. The question of establishing more Demonstration Centres and Union Board Farms in the three subdivisions of the district will be considered at the time of the establishment of additional Demonstration Centres and Union Board Farms in future.

Kazi EMDADUL HAQUE: In answer (*a*) (*i*) the Hon'ble Minister has said that we have already got on an average more than one Demonstration Centre per subdivision. May I ask the Hon'ble Minister therefore to enlighten us whether that is the case in respect of any other district except Khulna?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, with regard to the whole of Bengal.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister please state whether Kurigram subdivision has got such a Demonstration Centre?

The Hon'ble Mr. TAMIZUDDIN KHAN: My answer is to the effect that the——

Mr. SPEAKER: You need not answer that. Kazi Sahib, you cannot take a particular point at random and ask for an answer.

Amendment of the Bengal Food Adulteration Act, 1919.

*167. **Khan Bahadur MUHAMMAD ANWARUL AZIM:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government contemplate an amendment of the Bengal Food Adulteration Act, 1919 (Bengal Act VI of 1919)?

(*b*) If the answer to (*a*) is in the affirmative, do the Government propose to incorporate in the Bill any measure by which the vendor at the source could be penalised for selling adulterated foodstuff to wholesale and retail purchasers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) Yes, as far as possible in a Provincial Act.

Apprenticeship admission examinations under the Board of Apprenticeship Training.

*168. **Miss MIRA DATTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing from April, 1937—

(*i*) the number of Indian, Anglo-Indian and European candidates who appeared at each of the Apprenticeship Admission Examinations under the Board of Apprenticeship Training;

(*ii*) the respective number of successful candidates—Indians, Anglo-Indians and Europeans; and

(*iii*) the names of the Secretary, Board of Apprenticeship Training, and the Committee Members of the Committee of Moderators who conducted each of the examinations since April, 1937?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the results of the examinations are arrived at on the basis of the marks obtained by each candidate in each of the subjects they are examined; and

(*ii*) whether the divisions and the order of merit are based only on the marks secured by each?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what are the considerations that are taken into account in the preparation of the result?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the mark-sheets may be made available to any candidate or his guardian either with or without payment of any fees?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) A statement is placed on the table.

(*b*) Yes.

(*c*) Does not arise.

(*d*) No. It is not the practice to supply the mark-sheets of these examinations.

Statement referred to in the reply to clause (a) of starred question No. 168.

(i)

Examination held in the month of—	Total number of candidates registered.			
	Indians.	Anglo-Indians.	Europeans.	Total.
May, 1937 ..	94	29	2	125
January, 1938 ..	65	55	6	126
May, 1938 ..	101	20	1	122
December, 1938 ..	60	36	2	98
May, 1939 ..	130	22	2	154
December, 1939 ..	105	40		145

(ii)

Examination held in the month of—	Total number passed.			
	Indians.	Anglo-Indians.	Europeans.	Total.
May, 1937 ..	18	7	..	25
January, 1938 ..	9	19	1	29
May, 1938 ..	33	6	..	39
December, 1938 ..	9	22	..	31
May, 1939 ..	35	10	1	46
December, 1939 ..	19	18		37

(iii) Name of the Secretary, Board of Apprenticeship Training—

(1) E. J. Hogben, Esq., Principal, Calcutta Technical School.

(2) A. N. Sen, Esq., Inspector of Technical and Industrial Institutions, Bengal (from the 21st March to 20th October, 1938, during the absence of Mr. Hogben on leave).

Names of Committee Members of the Committee of Moderators—

(1) S. C. Mitter, Esq., Director of Industries, Bengal.

(2) C. V. Millar, Esq., Principal, Bengal Engineering College.

(3) H. I. Matthews, Esq., Superintendent, Gun and Shell Factory, Cossipore.

(4) N M. Irvine, Esq., Chief Mechanical Engineer, Calcutta Port Commissioners.

(5) Dr. H. Thomas, Inspector of European Schools, Bengal.

(6) Mr. E. J. Hogben, Secretary, Board of Apprenticeship Training. Mr. A. N. Sen officiating.

Adjournment motion.

Mr. SPEAKER: As regards the adjournment motion: I have very carefully gone through the matter, but must reluctantly hold that in the circumstances of the case it is not in order.

Point of privilege.

Mr. MUHAMMAD ISRAIL: Sir, may I rise on a point of privilege? May I draw your attention to an extract from to-day's *Ananda Bazar Patrika* of my speech? I have gone through the report of my speech in other papers and it has been reported in those papers exactly in the way in which I delivered it, but Sir, the *Ananda Bazar Patrika* has reported just the reverse of what I said. May I, for your information, just read the extract?

Mr. SPEAKER: It is not necessary to do so. I will see to that.

Short-notice question.

Dr. SURESH CHANDRA BANERJEE: Sir, I sent a short notice question; may I know what has happened to it? The notice was sent the day before yesterday.

Mr. SPEAKER: If you enquire of my office you will know.

Dr. SURESH CHANDRA BANERJEE: Sir Nazimuddin was to make a statement.

Mr. SPEAKER: Not a statement, he simply said that he would supply certain papers. Those papers were given to the police by the Manager of the Proprietor. Anyway you may take that from me. I will now take up Non-Official Resolutions.

NON-OFFICIAL RESOLUTION.

War Bonus to all classes of Employees.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move that this Assembly is of opinion that steps be taken by the Government so that the authorities of all mills and factories within the province of Bengal be compelled to grant at least 25 per cent. of their pay as War Bonus to all classes of employees employed by them to mitigate the hardship caused to the labourers by a rise in the price of foodstuffs due to war.

Sir, the question with reference to this resolution that is most likely to arise in the minds of all is whether the rise in the price of the daily necessities of life has increased by 25 per cent. which would entitle me to make such a demand of the Government. We tried on several occasions in course of our questions to the Hon'ble Minister in charge of Labour and Commerce to have definite figures as to the increase in the prices of daily necessities of life, but we regret to say that the Labour Minister on all occasions has evaded the question. So from private sources I have gathered facts and figures which will show that there has been not only an increase of 25 per cent. but more. Sir, as regards rice—the coarse rice of Patna variety—the pre-war price for one maund of this kind of rice was Rs. 4-4. The present price is Rs. 5 per maund. So the increase in the price of rice has been about 25 per cent. As regards *arhar dal* the pre-war price per seer was annas 3: the present price is 4 annas: so the increase in this case also has been by about 25 per cent. As regards *moong dàl*, the pre-war price was 4 annas per seer: the present price is 5 annas: so in this case the approximate increase in price has been by about 25 per cent. Now let us take the case of oils. In the case of mustard oil, the pre-war price per maund was Rs. 18: the present price is Rs. 20: so in this case the increase has been by approximately 10 per cent. In the case of cocoanut oil, the pre-war price was 6 annas per seer: the present price

is 8 annas: so the increase in price has been by about 25 per cent. In the case of kerosene oil, the pre-war price per bottle was 1 anna 9 pies: the present price is 2 annas: so the increase in price in this case has been by about 12 per cent. In the case of white flour, the pre-war price was 2 annas per seer: the present price is 2 annas 9 pies: so the increase in this case has been about 20 per cent. In the case of brown flour, *i.e.*, *ata*, the pre-war price was 1 anna 9 pies per seer: the present price is 2 annas 6 pies: so the increase in this case also has been by about 25 per cent. In the case of sugar, the pre-war price was 3 annas 6 pies per seer: the present price is 5 annas 6 pies: so the increase in this case has been 30 per cent. In the case of sugarcandy, the pre-war price was 4 annas 6 pies per seer: the present price is 6 annas: the increase in this case is by about 25 per cent. In the case of *suji*, the pre-war price was 2 annas per seer: the present price is 3 annas: so the increase in this case has been by about 33 per cent. In the case of *zira* the pre-war price was 8 annas a seer: the present price is 12 annas: so the increase in this case has been by 33 per cent. In the case of coriander seed, the pre-war price was 3 annas per seer: the present price is 4 annas: so the increase has been by about 25 per cent. In the case of salt, the pre-war price was 1 anna per seer: the present price is 1 anna 6 pies: so the increase has been over 33 per cent. In the case of *dhuti* of 10 yards the pre-war price was approximately 13 annas a piece: the present price is 1 rupee 2 annas: so the increase in this case has been by about 30 per cent. In the case of coal, the pre-war price was 7 annas per maund, the present price is approximately 10 annas; so the increase in this case has been by about 30 per cent. In the case of turmeric, the pre-war price was 6 annas per seer: the present price is 8 annas: so the increase has been by 25 per cent. In the case of black pepper, the pre-war price was 6 annas per seer: the present price is 8 annas: so the increase has been by about 25 per cent. In the case of ordinary soap, the pre-war price was 1 anna per cake: the present price is 1 anna 6 pies: so the increase has been by about 15 per cent. In the case of betelnut, the pre-war price was 6 annas per seer: the present price is 8 annas: so the increase in this case has been by about 25 per cent. In the case of *ghee* the pre-war price was 1 rupee and 8 annas per seer: the present price is 1 rupee and 12 annas: so the increase has been by about 20 per cent. In the case of ordinary *kolai dal* the pre-war price was 2 annas per seer: the present price is 3 annas: so the increase has been by about 33 per cent.

From these figures, there is absolutely no doubt that on an average there has been an increase in the prices of more than 25 per cent. As a matter of fact, it will be between 25 per cent. and 30 per cent. So, the demand of the labourers for a 25 per cent. war bonus is quite just and legitimate, and this demand is not being made on the floor of this House only. Those acquainted with all-India politics well know that

in Ahmedabad the labourers of the cotton mills had also made a demand for a war bonus. That demand was so very insistent that when the dispute could not be settled amicably between the mill-owners and the labourers, His Excellency the Governor of Bombay had to intervene voluntarily to settle the dispute. Of course, though the demand of the labourers has not been fully met, yet they have been granted an increase of 2 annas in their daily wages and the case has gone before the Arbitration Board. You know very well, Sir, that the textile labourers of Bombay numbering about 3 lakhs have given notice that in case their demand for a 25 per cent. war bonus is not met by 4th March, they will declare a general strike. A similar demand has been made by the workers of textile mills at Cawnpore and also by the labourers of Nagpur and by the labourers of Jhansi. So, I think that it is in the fitness of things that we on the floor of this House should also consider this question.

Sir, now it may be argued that just after the beginning of the war, the Jute Mills Association declared a 10 per cent. increase in the wages of workers of the jute mills. But, Sir, those who are acquainted with the conditions of jute mills, know very well that since 1929 the jute mill labourers of Bengal had to undergo a cut in their wages owing to the economic crisis and this increase of 10 per cent. is no real increase at all. It is only making up the deficit to the labourers of jute mills in Bengal. It is a fact which we all know very well that the jute mills now owing to the war are making huge profits. As a matter of fact, the textile mills associations have already declared a 10 per cent. war bonus. The case of textile mills is different from that of jute mills: they have been put to many difficulties which we all know, but those difficulties are not applicable in the case of jute mills. There is absolutely no reason why the jute mills in Bengal should not immediately declare a war bonus of 25 per cent.

Now on behalf of the Government the Hon'ble Minister in charge of Commerce and Labour once questioned what he could do. He may have the heart to do something for the labourers, but he cannot force the jute mill owners or the Jute Mills Association to concede to this demand. May I ask the Hon'ble Minister that if he can issue an Ordinance and thereby decrease the number of hours of work from 45 to 40 per week just before the war in August, can he not issue a similar Ordinance? We are well acquainted with Ordinances. Why should not Government have recourse to a similar Ordinance in the case of the very legitimate demand of the labourers?

Sir, before concluding I will say one thing that if we have eyes to see we must look to the direction in which the wind is blowing. There has been a cry for war bonus. What does this cry mean? Where does it come from? It comes from labourers. The labourers are making

this cry because they are feeling the pinch of hunger. If the pinch of hunger is not satisfied we all know what it leads to. It leads to a revolution. In Russia the hunger led to a revolution in 1917 leading to the establishment of a Communist State there, and I would like to sound a note of warning that if this hunger is not satisfied in time, if we are callous to the legitimate demands of the labourers a time will come in India in the near future when the labourers of India will have no other course open to them than to take recourse to that step. With these few words, I place my resolution before the House in the hope that it will be accepted.

Mr. SIBNATH BANERJEE: Sir, I rise to support the resolution moved by Dr. Banerjee. I had also a short-notice amendment like this which ran as follows:—"All classes of persons—

Mr. DEPUTY SPEAKER: But that has been disallowed.

Mr. SIBNATH BANERJEE: But, I think, I am entitled to speak about the substance of my amendment. All classes of persons employed by the Government of Bengal, who draw less than Rs. 100 per month should be given at least 25 per cent. of their pay as war bonus or war allowance——

Mr. DEPUTY SPEAKER: You cannot talk about it.

Mr. SIBNATH BANERJEE: Sir, I am not moving my amendment. If this resolution is carried in the House, Government has to induce the owners of the jute mills and factories to grant 25 per cent. war bonus to their employees and if they themselves do not do anything for their own servants, it will be a condemnation for them——

Mr. DEPUTY SPEAKER: You cannot talk on that matter.

Mr. SIBNATH BANERJEE: All right, Sir. Figures have been very well given by the previous speaker to show how the prices have already risen. The Economic Adviser to the Government of India has stated that index figure on the 31st December, 1939, was 137 compared to August, 1939, when it was 100. So, by the 31st December, 1939, the prices were already 37 per cent. higher. (The Hon'ble Mr. H. S. SUHRAWARDY: Where does the honourable member get these figures?) These figures are quoted in a communication to the Railway Board by the members of the All-India Railway Unions Federation.

Sir, the other day when we put a question to the Hon'ble Minister asking him what has been done to relieve the distress of the workers, he was taking some pride in the fact that in the jute mills, there has been an increase of 10 per cent. in the wages of workers. But as has already been explained by the previous speaker, that was really not an increase in the wages of workers. The concession which was withdrawn by imposing a cut in 1929 was only restored in 1939 after the declaration of war. Therefore it cannot very well be said that it is an increase in their wages. In any case, whatever was done was done by the Jute Mills Association and the Hon'ble Minister for Commerce and Labour, who is also the Finance Minister, cannot take any credit for that. As I have previously shown, in the factories which are situated in Bengal and where workers are directly employed by this Government, for example, the workers in the Mint, the Writers' Buildings Electrical Workshop workers and other workers of workshops owned by Government, nothing has been done and increase of not a single pice even has been allowed in their wages. I do not want to include the liveried *chaprasis* of Government offices who get the princely sum of Rs. 15 a month now when the prices have risen by 35 or 40 per cent.——

Mr. DEPUTY SPEAKER: Order, order, you are still trying to bring in what you wanted to say in your resolution.

Mr. SIBNATH BANERJEE: Sir, I wanted to point out that they come under the Factories Act, at least many of them, and therefore I am quite entitled to include them within the resolution as "all mills and factories" are mentioned in the resolution and they come technically within the term "factory"——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Before the honourable member proceeds further on the subject, may I request him to demonstrate how a liveried *chaprasi* comes under the Factories Act?

Mr. SIBNATH BANERJEE: Not the liveried *chaprasis* but the workers in the electrical shops owned by Government and the Mint as also the workers in the High Court—all of them come under the Factories Act——

The Hon'ble Mr. H. S. SUHRAWARDY: No, they do not.

Mr. DEPUTY SPEAKER: How do they come under that Act?

Mr. SISNATH BANERJEE: They come along with others.

Only recently there was a Committee appointed to look into the grievances of these kinds of workers. I do not know when the report will come out. I hope the report will be available soon so that this House will have an opportunity in this session to discuss the subject.

Regarding the resolution which we are discussing, I am anticipating an objection to be raised by the Hon'ble Minister. He will perhaps rise and in his supreme wisdom say—well, we have no power. The jute-mills are quite independent and so are the other factories. We have no power on earth to compel them. Partly he is right, but at the same time, I would ask him, has he ever tried to get the power to compel the mills and factories to give either war bonus or provident fund or any other advantages which they demand? He has not. On the other hand, taking advantage of the Defence of India Act, he is using or rather misusing all the powers that are at his disposal to stifle any expression of opinion on behalf of the workers who have been suffering so much because of the high price of food and other necessaries of life. Before the war, if they had grievances, they could assemble, they could have made demonstrations, they could at least voice their grievances, but since September last, all these privileges have been withdrawn and the workers are absolutely stifled and they cannot express their opinions freely. That is how Government are using their power to bring more hardship on the workers. I want to point out that in other parts of India, in spite of the Defence of India Act, Government have been helpful in giving some concession; whenever there has been a demand by the workers, Arbitration Boards have been appointed and they have in most cases recommended a rise in wages. But in Bengal, nothing so far has been done regarding the high prices of articles. With these words, Sir, I support the motion of Dr. Banerjee and I hope it will be accepted unanimously.

Mr. J. R. WALKER: Mr. Deputy Speaker, Sir, before replying to my honourable friends or dealing with the resolution, I would just like to say that it gives me great pleasure to be back here in this House again—even though I would have preferred to have spoken on a less contentious subject.

My honourable friends make out that the increased cost of living cannot be met despite the increased earnings made by the workers since the outbreak of war. The resolution deals with mills and factories and from the speeches made by my honourable friends it will be seen that they are more concerned with the jute industry than any of the other industries connected with the province.

Before war broke out the jute trade was in the depths of depression caused by an overloaded stock position and lack of demand, and it was found necessary to reduce the working hours to a basis of 40

hours per week. Taking 40 hours as the basis, working hours have increased since the beginning of September to a total of 60 hours per week, which means in itself an increase in workers' earnings of 50 per cent. In addition to this increase in working hours, overtime has to be paid and the workers have also been given an increase in wages of 10 per cent., which means that the earnings of the jute workers have gone up since September to approximately 70 per cent. If 54 hours are taken as the basis, the increase in the earnings of the workers is about 28 per cent. In all ranks of industry the earnings of the workers have increased due to increased trading and increased working hours and in addition the workers have received increases in wages.

My honourable friend has made a remark and observation that the mills are making huge profits. I would like to see that. Taking individual commodities as my friend has done and comparing prices from the time the war broke out there is no doubt that increases have taken place, but I think it will be found that prices reached their peak in November. Since then they have gradually come down and from the information which is available to me the overhead increased cost of living is about 12 per cent. higher than it was in August last year.

I believe I would be safe in saying that at least in all the major industries in Bengal, provision has been made whereby potential increased earnings more than cover the increased cost of living. I am very sorry to say that from my personal experience I find a tendency on the part of certain workers not to avail themselves of the opportunities which are available to them at this time to increase their earnings. Absenteeism has increased and the output of piece-workers has decreased. The fact that this is so shows clearly that the workers find that they have ample margin to meet their cost of living.

I am sure that my honourable friend the Hon'ble Minister for Commerce and Industries is quite capable of looking after the interests of the workers and I am certain that if he thought that the workers were paying such high prices for foodstuffs as my honourable friend has tried to make out and that the workers' earnings were not sufficient to meet the cost of living, he would have taken necessary steps before this to meet it and help the workers.

With these few remarks, Sir, I oppose the resolution.

Mr. A. M. A. ZAMAN; বানার্জি সাহেব যে ওয়ার বোনাস সম্বন্ধে প্রস্তাব এনেছেন সেইটা আমি সমর্থন কোরতে দাঁড়িয়েছি। অবশ্য এর পূর্বে আমার য়ুরোপীয়ান ফ্রেন্ড এটা অপোজ কোরেছেন, তার কারণ আছে। কারণ ওঁরা ব্যবসা কোরতে এখানে এসেছেন এবং ব্যবসাটাই জানেন, দেবার ব্যাপার কিছুই জানেন না। চাকরদের মাইনে যাতে কম দেওয়া যায়

সেইটে ওঁরা শিখেছেন। চটকলের ব্যবসাতে খরচ খুব কম অথচ মুনাফা প্রচুর। যে এক থান হেসিয়ানের দাম ১৫৲ সেটাতে ২০ সের পাট খরচ হয় তাহার দাম ৫৲ পাঁচ টাকার বেশী হয় না। আমি এখানে একটা খরচের হিসাব দিচ্ছি—যে জিনিষটার দাম তারা পাচ্ছে, আজ প্রত্যেক তাঁতী কমপক্ষে দুই থান কাপড় তৈয়ারী করে তার দাম ৩০৲ ত্রিশ টাকা, সেটা তৈরী কোরতে বড় জোর ১৪৶ আনা পড়ে। এ সম্বন্ধে আমি challenge কোরেছি। যদি পাটের দাম ধরা যায় এক থানের ৫৲ টাকা, লেবার চার্জ ৩৶ এই হলো ৮৶ এবং অন্য থানের পাটের দাম ৫৲ টাকা এই ১০৶ আনা মেসিনারির খরচ যদি এক টাকাও ধরা যায় তবে হয় ১৪৶ সে জায়গায় তারা বিক্রি কোরছে দুই থান ৩০৲ ত্রিশ টাকা। এই ১৪৶ আনা খরচ কোরে ত্রিশ টাকা পাচ্ছে এবং এই যে এতটা মুনাফা কোরে যাচ্ছে, তা করবার পরেও তারা বোলতে চায় যে, আমরা মোটেই মুনাফা করি না। অর্থাৎ তাদের মুনাফার যে অঙ্কটা ১৮৯০ খৃষ্টাব্দে ছিল, সেই সময় তাদের যে calculation ছিলো এখনো সেই ৫ লক্ষ টাকাই রেখেছে। Last Great War এর সময় যে মুনাফা কোরেছে সেই অঙ্কটাই এখনো সামনে রেখে দিয়েছে। যে মিলে ১,০০০ তাঁত আছে তারা daily ২০-২৫ হাজার টাকা মুনাফা কোরবে, এবং যদি এর কম মুনাফা হয় তাহা সেই মজুরদের বেতন কাটছে। শ্রমিক মন্ত্রী সাহেব হাসছেন? কিন্তু আমি এটা প্রমাণ কোরে দেখাতে পারি যে, ১৫ হাজার থেকে ২০ হাজার টাকা তারা ডেইলি ইনকাম কোরছে। এ সম্বন্ধে আমি চ্যালেঞ্জ কোরতে প্রস্তুত আছি। আজ তারা আমাদের প্রস্তাবে oppose কোরছে এবং মিনিষ্টারও কিছুই কোরবেন না, গরীবের জন্য ওঁরা কিছুই কোরবেন না। তা যদি ওঁরা কোরতেন, তাহলে কাল যেমন দেখা গেছে ৭॥ লক্ষ টাকা খরচ কোরে ১৯৪০ সালের জুট রেগুলেশন হওয়ার প্রস্তাব জুট রেগুলেশন বিলে উড়িয়ে দিয়েছেন। এটা হতো না। একটা ঘুঁড়ি যে আকাশে উড়ে যায় সেটাও আমাদের হাতে বাঁধা থাকে, কিন্তু ঐযে সাড়ে সাত লক্ষ টাকা আস্মন্তাবে উড়ে গেল এর একটা পয়সাও মিনিষ্টারদের মাইনে থেকে কাটা যাবে না। সুতরাং ওদের কোন ভাবনা নাই। গরীবের পয়সা কিছুই না, গেলে সেটার ভাববার কিছুই নাই, গরীব না খেয়ে মরুক। মিনিষ্টারদের মাইনের এক তিলও সেজন্য কমছে না।

আজকে এই war bonus সম্বন্ধে আপত্তি করবার কিছুই থাকতে পারে না, যদি সত্যিকারের হিসাবে শ্রমিকদের জন্য আপনারা কিছু কোরতে চান। সেদিন মিনিষ্টার সাহেব জগদ্দলে গিয়ে ধোঁকার মিটিং কোরেছেন। সে সময় যে কথাটা বোলে এসেছেন সেইটে মনে রেখে কিছু অন্ততঃ করা দরকার। জিনিষের দর যুদ্ধের আগে যা ছিলো—তার দেড়গুণ দুগুণ বেড়ে গিয়েছে, কিন্তু শ্রমিকরা তার জন্য এক পয়সাও বেশী পাচ্ছে না। অথচ তাদের জন্য বলবার কেউ নাই। আমরা যারা ট্রেড ইউনিয়ন মুভমেন্ট কোরছি, তাদের প্রত্যেককে mill area থেকে বার কোরে দেওয়া হয়েছে। এবং সেখানে communal organisation করা হোচ্ছে। এই সব কোরে তাদের ধোঁকা দিয়ে মালিকদের পক্ষে নিয়ে যাবার জন্য চেষ্টা করা হচ্ছে। যাতে নাকি তারা দুটো পয়সা বেশী পায় তার জন্য এক ভ্রান্তি চেষ্টাও হোচ্ছে না।

আজকে আমি স্পষ্ট কোরে বোলতে চাই, সত্যিকারের হিসাবে যদি কিছু কোরতে চান তাদের জন্য, তবে কম পক্ষে পঁচিশ পারসেন্ট তাদের বাড়িয়ে দেওয়া দরকার। না দিলে, এরকমভাবে যদি যুদ্ধ চলে এবং জিনিষের দাম যদি আরো বেড়ে চলে worker রা এখনি মোরছে,—আরো মোরবে। আর যদি কিছু না করেন এসম্বন্ধে, তবে আজ এই এসেম্বিরতে বোলে যাচ্ছি, আরো ছয় মাস যদি এইভাবে চলে, তাহলে পুলিশের বেয়োনেট, তাদের আটকে রাখতে পারবে না। সেখানে হয়তো লুট পাট আরম্ভ হবে। এমনকি হয়তো সেই দিন আবার আসবে, শ্রমিকমন্ত্রী সাহেবকে মুচু মেয়েরা এসে ঘেরাও কোরেছিলো, তিন দিন ঘরে আটক রেখেছিলো, আবার সেই রকম হবে।

At this stage the House was adjourned for 20 minutes.

(After adjournment.)

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমার বন্ধু মিঃ বানার্জ্জির প্রস্তাব সমর্থন করে আমি বোলছি যে, বড় বড় কল কারখানার মালিক যারা, তারা অধিকাংশই বিলাতী সাহেব। আর আমাদের উপর যারা সাম্রাজ্য বিস্তার কোরে আছে তারাও বিলাতের সাহেব। তারা প্রথমে এদেশে দোকানদারি করতে এসে, তাদের ব্যবসায় সুবিধার জন্য এদেশের কতকগুলি লোককে দালাল নিযুক্ত কোরে, পরে তাদের সাহায্যেই রাজত্ব বিস্তার কোরেছে। আজকে বাংলার মন্ত্রিমণ্ডলীর ভিতর ঐসব দালালদের বংশধরও দেখা যায়। কল কারখানায় যে সমস্ত জিনিষ তৈয়ারী হয় তার মধ্যে কৃষকদের কৃষিজাত প্রধান ফসল পাট দ্বারাই বেশীরভাগ। এই পাট অত্যন্ত কম মূল্যে খরিদ কোরে এবং মজুরদের কম মাহিনা দিয়া তারা কোটি কোটি টাকা লাভ কোর্চ্ছে কিন্তু তারা কৃষক ও শ্রমিকদের প্রতি দৃষ্টিপাত কোর্চ্ছে না। ধনিক বণিকদের উদ্দেশ্য হোচ্ছে গরীবদের শোষণ করা, তাদেরে দান করা তাদের অভ্যাস নেই। আজকে আমরা দেখতে পাচ্ছি এই সব ধনিক বণিকের স্বার্থের প্রতিকূলে এবং গরীবের স্বার্থের অনুকূলে কোন কথা উঠলে পরে বাংলা গভর্ণমেণ্টের মন্ত্রীদের ভেতর একটা বিক্ষোভের ভাব আসে। তার কারণ হোচ্ছে যদি এইসব ধনিক বণিকদের স্বার্থের প্রতিকূলে কোন কাজ কর্ত্তে দেওয়া হয় তাহোলে মন্ত্রীদের যতগুলি পকেট রোয়েছে তার সংখ্যা কমাতে হবে। তাই তারা ধনিক বণিকের স্বার্থের বিপরীত কোন কাজ করিতে রাজি হন না। বিশেষ করে ইংরেজ সাহেবদের মনঃতুষ্টিতেই তারা সর্ব্বদা ব্যস্ত।

তাই আজ বিশেষ জোর কোরে বোলছি, যে রুশিয়ার বিপ্লবের ভয়ে বাংলা তথা ভারতের চতুর্দ্দিকে প্রাচীর দেওয়ার চেষ্টা হচ্ছে যাতে রুশবিপ্লব এদেশে না আসতে পারে, কিন্তু আমি মুক্তকণ্ঠে ঘোষণা কোর্চ্ছি যে, বর্ত্তমান বাংলা গভর্ণমেণ্টের মন্ত্রিমণ্ডলীর কার্য্যদ্বারাই সে রাস্তা পরিষ্কার হইতেছে।

Mr. DEPUTY SPEAKER: Order, order. এই resolution এ যে কথা আছে সেই সম্বন্ধে আপনি বলুন।

Maulvi ABDUL WAHED: ওয়ার বোনাস সম্বন্ধে যে প্রস্তাব এখানে উপস্থিত করা হোয়েছে তাতে একথা আছে যে, কল-কারখানার মালিকরা যে কোটি কোটি টাকা লাভ কোর্চ্ছেন সেই লাভের অংশ থেকে মজুরদের বেতনের উপর শতকরা পঁচিশ টাকা কোরে পুরস্কার স্বরূপ (bonus) শ্রমিকদের দেওয়া হোক।

তারা যা মাহিনা পায় তাতে এই যুদ্ধের সময়ের চড়তি বাজারে তাদের পেট ভরা খাওয়া জুটে না। সঙ্গে সঙ্গে কৃষকেরাও এই দাবী জানাচ্ছে যে তারা যেন তাদের কৃষিজাত জিনিষের উচিত মূল্য পায়।

কিন্তু এই দাবী মেনে নেওয়ার বা এই নীতি স্বীকার করবার মনোভাব বর্ত্তমান গভর্ণমেণ্টের দেখতে পাচ্ছি না তাই এই কথা বলার প্রয়োজন হোয়েছে যে, এইভাবে যদি শাসনকার্য্য চোলতে থাকে আর মজুরেরা অনাহারে থাকে, কৃষকেরা দুবেলা দুমুঠো খেতে না পায়, তাহোলে আমি বিশ্বাস করি, যে ভয় গভর্ণমেণ্ট কোর্চ্ছেন সেই রুশিয়ার বিপ্লব এ দেশে অচিরেই ঘটবে এবং সেজন্য বাংলার বর্ত্তমান মন্ত্রিমণ্ডলীই দায়ী হইবেন।

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, unfortunately I was not in this House when my honourable friend Dr. Suresh Chandra Banerjee moved this resolution, and it is not therefore possible for me to guess what arguments he brought forward in support of his motion. But of one thing I am certain that his arguments

could not have been supported by any actual facts. For if that were so, Dr. Suresh Chandra Banerjee would never have brought a resolution of this nature before this House.

Sir, he has asked for an increment of 25 per cent. in the wages of all workers so that the authorities of mills and factories within the province of Bengal may be compelled to grant at least 25 per cent. of their pay as war bonus. Whether he enquires into the prices of commodities that are at present prevailing or whether he enquires into the actual conditions of the workers that are employed in mills and factories he would never be able to find out that the cost of living has increased by 25 per cent. or by any figure near 25 per cent. It is quite true, Sir, that shortly after the declaration of War prices of commodities did rise to a certain extent, but that was only for a temporary period I fear that Dr. Banerjee has completely forgotten that during the last two months prices of all commodities that are used by the workers in factories have been consistently falling.

Now, Sir, I further believe that it is the workers in the jute mills that have been primarily in the mind of Dr. Banerjee. If that be so, there is a very good case against this resolution. I am sure he is aware that the mills have voluntarily been giving an increase of 10 per cent. in the ordinary wages But matters do not stop there. The working hours in the mills have increased from 40 to 60, as a result of which they have automatically got another increment by 50 per cent., and because of the provision of the Factories Act they get a further bonus because of what they are doing in addition to 54 hours. If all these increases are aggregated, I am sure Dr. Banerjee will find that they have got an increment not of 25 per cent. only but of over 70 per cent More than that, there used to be a number of sealed looms and they have now been unsealed and a larger number of workers have been engaged by the jute mills than were formerly. I am sure that if justice be done to the jute mills Dr. Banerjee would rather congratulate both the mill authorities and the workers rather than bring forward a resolution of this nature. If we go to other mills, *e.g.*, cotton mills, I can speak from personal knowledge that the mills are at present working at a loss. And when mills work at a loss, even on the present wages it is not possible for further increment in wages to be given. I am sure the workers would rather want employment than dismissal on account of these mills working at a huge loss. Dr. Banerjee would be doing no good to the workers by presenting a resolution of this character in this House. If he does so, the result might be that several mills and factories—their names are not mentioned in the resolution—may have to be closed down by reason of the fact that the prices of raw materials have gone up considerably whereas the prices of finished products have not gone up anywhere in the same proportion.

Sir, there is one further fact that I might mention. I had always thought that opposition is opposition, but here I find that the Hon'ble Minister in charge of Labour presses the mill authorities on the one hand and the Opposition presses the mill authorities on the other. It seems, Sir, that there is an unholy combination between the Government and the Opposition on certain matters though they differ on all others. Sir, I would recommend to my honourable friend, Dr. Banerjee, that before he plays with fire, namely, the workers employed in factories and mills, he should study the facts more closely than he seems to have done in bringing forward this resolution.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I missed, until we heard the somewhat irrelevant speeches of Mr. Zaman, and Maulana Bokainagari, the fiery oratory which usually is the monopoly of the labour members of this House, but in other respects they have conformed to their tradition. Dr. Banerjee has placed a resolution for the consideration of the Assembly which on the face of it is beyond the jurisdiction of the Assembly to pass or of the Government which is the instrument of the Assembly, to enforce. (Maulvi ABU HOSSAIN SARKER: Can't you do it through an Ordinance?) I am gratified to learn, Sir, that the Ordinances issued by this Government and the powers vested in this Government to issue Ordinances have been appreciated by the honourable members of this House and particularly by the Opposition, and also that this power Government is being called upon to invoke whenever it feels that in no other way can the object be achieved. But, Sir, to come to the main point Dr. Banerjee began by giving a long list of prices. I do not know where he got these prices from, all of which are more or less of a comparative nature, namely, the prices that prevailed before the war at the end of August, 1939, or on the 1st of September, 1939, and the prices which are prevalent now. If he had consulted the latest price list issued by the Controller of Prices he would have found that almost all the prices which he has mentioned are incorrect, and even the prices of certain commodities have gone down since the price list was issued, as has been pointed out by Mr. Debi Prosad Khaitan. Sir, it is very difficult to embark on a guess as to what has been the actual increase in the cost of living or the cost of the family budget of the workers. In order that one may be able to arrive at a correct figure it is necessary to have a family budget prepared and on the basis of that an index also prepared. Unfortunately, Sir, the old Government of Bengal did not take the matter in hand. We have asked the Board of Enquiry to prepare a family budget as well as a cost-of-living index but this will take time. The previous Government did not think it necessary to do so, as apparently things were going on very happily in the industrial centre of Calcutta, but other Governments like Bombay, Madras, and Bihar took up the matter and they

have arrived at certain costs-of-living indices. Certain private firms here also have attempted to prepare such a cost-of-living index in order to satisfy themselves as to what is the increase which they should grant to the employees. But by mere statement of the nature that in one commodity the price has risen by 25 per cent. or in another commodity by 10 per cent. and in a third commodity by 33⅓ per cent. you cannot arrive at what has been the actual increase in the cost of the family budget. Sir, I have here certain comparative figures before me with which I will trouble the House, because I want once and for all the claims that are made by the extravagant and extreme labour members of this House to be tested, so that when they go before their constituencies on a future occasion they may place before them the actual facts of the case. It is no use for members or labour leaders of the type, if I may say so, of Dr. Banerjee or Mr Zaman, or Mr. Sibnath Banerjee, to go amongst labourers and say that there must be an increase of 25 per cent. without having the figures at their disposal and without satisfying themselves that there has been actually such an increase. Dr Banerjee said that from time to time he had asked for figures from Government which I have not placed before the House. Sir, no such figures were ever asked for. What Dr. Banerjee asked for was to state off-hand in supplementary questions what was the price of certain commodities before the war, and after the war began. I was disposed, Sir, even to place that information before the House on a short-notice question, but up till now no such question has come to my department. Now, Sir, in finding out what is the cost of a family budget, I have attempted to compare the comparative costs as ascertained by the Governments of Bihar, Madras and Bombay, and on the basis of these costs the Department of Commerce and Labour has, also, in a rough manner, attempted to arrive at the correct increase in price.

Sir, the first thing that we have to ascertain is what is the weightage which should be allotted to certain specific heads. There are certain major expenses and due weightages should be allotted to them. Thereafter we have to ascertain within those major heads the various minor heads, and then ascertain the weightage allottable to those minor heads, and after we have ascertained that then we have to ascertain the figures on the basis of that weightage prevailing on the first September and the figure on the basis of that weightage that prevails now. Then and then only we may find out what has been the increase in the cost. Now, the major heads to which the weightages may be allotted are those of food, fuel and lighting, clothing and other expenses of a more or less miscellaneous character. There is one other general principle that we have to consider when we compare the various costs-of-living indices and it is this the higher the income and the more industrially developed the area, the less is the expenditure

of the worker on food. Proceeding on these general principles and, as I have said, comparing the figures at our disposal the weightages arrived at by my Department are as follows:—

Food	63
Fuel and Lighting	11
House rent	10
Clothing	6
Miscellaneous	10

Now, Sir, I propose to compare this with Madras which is less industrially developed than Calcutta, and Bombay which claims to be more industrially developed than Calcutta. In Madras, the following are the weightages:—

Food	58·23
Fuel and lighting	8·42
Clothing	6·1
House rent	14·57
Miscellaneous	12·69

The Bombay figures are:—

Food	47
Fuel and lighting	15
Clothing	8
House rent	15
Miscellaneous	25

If we take the Calcutta figures standing roughly as between these two—and I may say that the Director-General of Commercial Intelligence agrees with this aspect—we may tentatively arrive at the following figures:—

Food	52·5
Fuel and lighting	7·5
Clothing	7
House rent	14
Miscellaneous	19

Now under the group of "food" we may take the following items:—rice, *ata*, *dal*, *ghee*, oil, salt, spices, sugar, tea, milk, vegetables and fish. I point this out because the rise in the price of steel or the rise in the price of gold or silver is really irrelevant to find out what has

been the increase in the cost of living of an ordinary labourer. On these lines the weightages have been interspersed. I don't wish to trouble the House with those figures because I would like to place before the members the conclusions as early as possible. Under the group of "fuel and lighting" kerosene and matches are the items that have been considered. I need not give you what are the prices of most of these items and compare them with the pre-war prices. But the figures which I place before the House are more or less correct. In the case of rice there has been an increase of only 10 per cent.; in the case of *ata* 17 per cent.——

Dr. SURESH CHANDRA BANERJEE: How did you arrive at these figures?

The Hon'ble Mr. H. S. SUHRAWARDY: These are figures that can be tested. These are circulated by the Controller of Prices weekly. These are prices which he has not recommended but which he has ordered the vendors to observe when selling foodstuffs. Unfortunately from the point of view of agriculturists,—though fortunate in another, from the point of view of labourers—these prices are going down, and to-day they stand at a lower level than where they stood last month. Under *dal*, we take six varieties of *dal* together and the prices stand at 4 per cent. less than they stood on the 1st of January. For instance, the retail price of *kalai dal* which stood at 2 annas 9 pies per seer now stands at 2 annas 3 pies. Thus we find that instead of an increase the prices stand at a lower level. The figures obtained by Dr. Suresh Chandra Banerjee are not correct. Then after having arrived at these figures, namely, the percentage figures (for instance, oils—127, chillies—135, turmeric—128 and so on) we multiply these rates with pre-war and present war prices and thus we determine the difference between the cost of a family budget before the war and at present. We find, Sir, that if we take the food group there has been an increase of 10·6 per cent., but if we take the other groups, namely, fuel and lighting, clothing, house rent and the miscellaneous together, the index number stands at 8·14 per cent. above the figure before the war. These figures that we have arrived at were arrived at before the fall in prices, at any rate, before the recent fall in prices of the last few weeks. Dr. Suresh Chandra Banerjee has referred to the Board of Conciliation appointed by the Government of Bombay. But Dr. Banerjee should remember the conditions regarding the prices of these commodities and the difference between Calcutta and Bombay, because in Calcutta we started food control very much earlier than in Bombay and we have been able to keep the prices down much more satisfactorily than they have done in the other province. Yet, in Bombay the increase which this Board of Conciliation has ordered, namely, two annas, represents 10·08 per cent. above

pre-war prices. Therefore, Sir, I do submit that there is no case at all for an increase of 25 per cent. and these labour leaders who make certain exciting speeches to their constituents are not directing them in a proper manner. On the other hand they give rise unfortunately to the suspicion that their speeches are not for the purpose of directing the attention of the employers or of Government to the actual necessity but are delivered amongst the labourers for causing excitement and unrest and for pitching their demands so high that no reasonable body of persons can accede to them. Now, the figure for Bombay up to December was 8 per cent. about the pre-war prices and for Madras during the same period was 10 per cent. Sir, Dr. Banerjee has threatened us—I think it is Dr. Banerjee who has threatened us—that there is going to be a demand in all the labour centres—Nagpur, Bombay, Madras, Cawnpore—for an increase in the wages of 25 per cent., and the sooner we bow to the demand, the better for us; otherwise, certain things would happen—dark and nameless—which will result ultimately in the advent of the Russian revolution, the spectre of which Mr. Abdul Wahed Bokainagari has so glibly placed before the House. Of course, one cannot take Maulvi Bokainagari very seriously, because he probably even does not know what is Russia and where is Russia. Probably he thinks that Russia is a country situated somewhere to the east of Bengal and separated only by a thin partition wall. He does not even know what is the significance of the Russian revolution. It is quite possible that if we had the semblance of a Russian revolution, Mr. Bokainagari might be mistaken for a venerable Moulana, a religious leader, and be treated in the manner in which religious leaders have been treated by the Russian revolutionists——

Mr. SHAHEDALI: Have you ever been to Russia?

Dr. SURESH CHANDRA BANERJEE: Sir, is the Hon'ble Minister relevant to the resolution under discussion?

The Hon'ble Mr. H. S. SUHRAWARDY: We have been threatened that we are going to have a Russian revolution——

Mr. JOGESH CHANDRA GUPTA: I suggest, Sir, that there should be no interruption because the Hon'ble Minister is speaking about his past experience and activities!

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the honourable members have stated, and really this shows the depths of their ignorance, that the jute mills are making huge profits. I had expected to hear something in the nature of a general survey of labour conditions from these honourable members. There are labourers employed

in factories other than jute mills, and one fails to understand why the labour leaders have got such a fascination for jute mills and jute mill labour that whenever they talk about labour conditions, they can only visualise the conditions as prevalent in the jute mills.

Now, these jute mills, as have been pointed out by Mr. Walker and Mr. Khaitan, who know the conditions very well, are not making huge profits at present prices. Mr. Zaman embarked on an economic plane with which, he has no connection whatsoever. The figures which he placed before this House are probably the kind of figures which he placed before his erstwhile audience, namely, the jute mill labourers. Not having the jute mill labourers to speak to, he has attempted to vent his knowledge on this House. But the figures are absolutely and hopelessly inaccurate from the beginning to the end and I need not refer to them because, I think, it is admitted now by all persons who have any knowledge of jute mill conditions that at the price at which jute stands at present, and at the price at which hessian stands at present—at these prices, the jute mills cannot make a profit. I, therefore, beg the honourable labour leaders, if they are really sincere in their protestations for the labourers, not to place the demand for higher wages on the profits or otherwise of the jute mills, but really to place it on the footing that the cost of family budget has increased and they ought to get more wages.

Now, Sir, it has been pointed out to the honourable members that the actual income of the jute mill labourers has increased by about 70 per cent. and there cannot be any force in the argument advanced by them that the demand for this 25 per cent., which comes mostly from Dr. Banerjee, Mr. Sibnath Banerjee and various other gentlemen who are interesting themselves in keeping up the excitement in these labour areas, is the outcome of hunger. I do not think any of these gentlemen—these honourable members of the Legislative Assembly—is really hungry and I am certain that the jute mill workers to-day are not hungry whatever may be the justice of their demand for increase in their wages. As a matter of fact, if it does happen that one or two labourers are dismissed by certain mills, these persons come to me—as they are legitimately entitled to come to me—day in and day out, besiege me in my office or in my house in order to get back the places of which they have been deprived. Now, Sir, there are various other ways of increasing the real wages of a worker, and personally I am more inclined to try that way. Let me give two examples. If we can definitely abolish bribery and corruption in the mills, we would be giving to the worker a considerable increase in his real wages as a portion of his income goes in order to feed the *sardar* or those above him. This would remain in his pocket. That is a definite increase in the money which he can utilise for himself.

Again, Sir, to induce the employers to provide the labourer with more amenities of life, to induce them to make provision for gratuities, for pensions, for provident fund, for leave, for dwelling houses, for recreation, for education, and for similar amenities, I think, is doing far more service to the labourers, their children, the present labourers and those who will come after them, than an increase in wages which to-day they will hardly know how to spend.

Sir, I do not wish to take any credit. Some honourable member has suggested that the jute mills have increased the wages by 10 per cent. and the Minister for Commerce and Labour ought not to take any credit for that increase. I do not wish to take any credit. I am not here to take any credit. I am here for the purpose of doing my best both for the labourers as well as for the employers. I am here to see that justice is done to both parties and if I did ask the Jute Mills Association to increase the wages by 10 per cent. and if on my recommendation, they have done so, I take no credit for that act of justice on their part, and if other companies as well have accepted my advice, the credit goes to them and the happiness goes to the labourers. I am indeed gratified, Sir, that many employers to whom I have tendered advice, after considering their condition as well as the wages and amenities which they give to their labourers, have accepted my advice, and only this day or a day or two back, the Electricity Company, the Gas Company and the Tramway Company have announced increases in their labour wages. A little while ago the Engineering Companies have done the same and there are many similar companies here and there that are falling in the line and are increasing the wages whenever they can. I submit, Sir, that there are no merits in the resolution which has been placed by the honourable member and I request him to withdraw it.

Dr. SURESH CHANDRA BANERJEE: I would like to reply. I have got the right of reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case the Minister will have a further right of reply.

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, Sir, the Hon'ble Labour Minister has challenged my figures and has asked wherefrom I have got them. The Chief Minister is laughing at this (Laughter). I have got them from the actual shops. We tried our level best to get these figures from the Hon'ble the Labour Minister himself on several occasions, but he did never supply us with these figures. To-day he has given us some scanty figures but those figures are, I do say, not accurate. I challenge the Labour Minister to come with me to the various shops and to the shops which deal with the

labourers near the *bustees*. I went to them. I asked them at what price they were selling *chal*, *dal*, *atta*, etc. in the month of September and now and they told me from their books the figures. So what I am supplying is actual fact, the fact which I have secured myself at a great labour and there cannot be any doubt as regards their correctness and I do also challenge the Labour Minister that if he goes to the labourers and says that there has not been practically much increase in the prices, I know what sort of answer he will get.

Then it has been asked why we have got so much hallucination about jute mills; why we have made reference to the jute mills so often? Well, while we refer to Ahamedabad or Bombay, we generally mean the cotton mill labourers. Why? Because they predominate there, in that field. Who can doubt that in Calcutta the jute mills preponderate? There are more than 100 jute mills on both sides of the Hooghly employing more than 3 lakhs of Calcutta labourers out of a total labour population of 7 lakhs. So if any question before a labour representative comes, the question of jute labourers of Bengal will undoubtedly come first

There is another point too Why hallucination? Because, the Labour Minister also knows, we also know, whenever we happen to go to labour areas we only find beautiful dwellings on one side and hovels and petty huts on the other We know, they often say that they are running the mills at a loss From the way in which they live in beautiful houses surrounded by beautiful parks on the banks of the Ganges, from the big motor cars in which they drive to the Calcutta Club from the mills, kicking up the dust on our face— —

The Hon'ble Mr. H. S. SUHRAWARDY: What do you object to? Do you object to the dust or to the motor car?

Dr. SURESH CHANDRA BANERJEE: I object to the motor cars which kick up dust (Laughter). A few months back, Sir, when the number of working hours was reduced from 45 to 40 a week and there was a chance of general strike, in one of the leading European papers in Calcutta it was declared that if the labourers went on strike, the employers would declare a lock-out and would not be afraid of it. How could they say that? Because all the jute mills have got so much in reserve that out of that reserve fund they may give sufficient interest to the Europeans, sufficient dividend for as long as they like. They have accumulated so much fund. I could give exact figures but I have not got them with me just now. Take for example the Howrah Jute Mills and many other jute mills. With what capitals they started and what huge reserves they have got now. It is no wonder that the European paper would declare in bold terms that they did not care

whether the workers of jute mills worked or not, because they have got enough reserves. They have invested in big banks and insurance companies which will give them any amount of interest for a long time.

Mr. Khaitan was speaking of losses. I do not know what is the condition of the Birla Jute Mill. That jute mill may be running at a loss. As regards jute mills it is also difficult to get exact figures because we can never approach the jute mill authorities. Whenever we are in difficulty we go and try to meet them but they consider us as worse than dogs. I will give one instance. In the year 1937 just after the Assembly elections, when at Budge Budge there was strike in the jute mills run by Andrew Yule & Co., I ran to the Manager at Calcutta to enquire into the real condition. The Manager came out and said "Thank you very much for your coming, but I refuse to talk to you anything about the labour conditions or about the conditions of the mills". That is our lot everywhere. We do not get any information. Those of you who have read the Jute Enquiry Committee's Report know that complaints have been made that the members were not supplied with information. They had no access to books. Many of the jute mills have got their head offices not here but in London or in Dundee or somewhere else. So we cannot have facts and figures and therefore we cannot say whether the jute mills are running at a loss. The Government of India knowing facts better than we do has brought that new Bill, the Excess Profits Tax Bill. What was the meaning of that? Whom they were looking at? They were thinking of these European mill owners. They were thinking of the tramway companies. They were thinking of the railway companies. They were thinking of the Calcutta Electric Supply Corporation, Ltd.

I will give you one instance. There are 10 Directors for the Calcutta Electric Supply Corporation in London. Will you believe me when I say that each of these 10 Directors attends only 3 meetings a year and gets Rs. 40,000 sitting in London? Rs. 40,000 sitting in London for only attending 3 meetings a year! It was published last year that, that year the company had made Rs. 20 lakhs more profit than the preceding year. I do not know what was the exact profit in that preceding year. This is how they are running at a loss! These jute mills, these tramway companies, these telephone companies are doing marvellous business owing to the gracious favour of the Hon'ble Ministers. Still they say that they are running at a loss. I challenge them. This Telephone Corporation Limited is making 200, 300 and 400 per cent. profit. In the course of 10 years the total capital of the Telephone Corporation Limited has increased by double. So we have got fascination for the jute mills, the Calcutta Electric Supply Corporation and the Telephone Corporation. At the third annual general meeting of the workers of the Calcutta Electric Supply Corporation it has been resolved that if in case of seven days' week the Company

does not grant them 25 per cent. War Bonus, they will have no other course left open to them but to take recourse to the extreme step which, we all know, is nothing but strike. We have got a fascination for the Electric Supply Corporation, we have got a fascination for the Tramway Company, a fascination for the Railways and also we have got a fascination for all the European firms——

The Hon'ble Mr. A. K. FAZLUL HUQ: You don't travel by tram, I think?

Dr. SURESH CHANDRA BANERJEE: Yes, I do travel by tram and often in second class, because I cannot afford to have a motor car. But I am waiting for the day when India will be sovietised, the day when every one will have a motor car. In America every fourth man has got a motor car——(The Hon'ble Mr. A. K. FAZLUL HUQ: Every fourth man?) Yes, every fourth man has got a motor car, and we are conceiving of a state in India to be established very soon when every Indian will have a motor car. (The Hon'ble Mr. H. S. SUHRAWARDY: You will have a bullock cart.)

Mr. SPEAKER: Dr. Banerjee, I hope, in that case you will give me notice sufficiently in advance so that I may expand the compound of the Assembly House. (Laughter.)

Dr. SURESH CHANDRA BANERJEE: Sir, there is one point raised by Mr. Walker and Mr. Khaitan. That is about the number of working hours. They have said that the workers were before working for 40 hours a week but now they are working for 60 hours a week. So automatically they are getting 1½ times of their wages. I ask the Hon'ble Minister how many hours a week did the labourers work two years before, how many hours a week did the labourers work in 1937? It was only in September, 1938, that the number of working hours was reduced probably by an Ordinance, from 54 to 45; and last year immediately before the war it was reduced from 45 to 40. I ask, have you the heart to feel how pitiable was the condition of the labourers? They were mere beggars. I ask the Hon'ble the Chief Minister to think about this, for I believe he has got a heart. They were working for 54 hours a week but suddenly the number of working hours was reduced by force, not with the consent of the labourers; it was thrust on them, it came upon them as a bolt from the blue—from 54 hours a week to 40 hours a week. Consequently, they were starving. But now the circumstances have compelled you to increase their working hours from 40 to 60. You have done nothing of your own accord. They were already working for 54 hours; so actually there has been an increase of 6 hours a week. Mr. Khaitan ought to have known it when he delivered his speech. As regards the 10 per cent. increment, there

was a cut in their wages. That cut was only made up. So practically speaking the mill-owners have done nothing for the labourers. The Hon'ble Minister knows this very well. He has said many things against us, but still, in spite of that, I would say nothing against him. But I would say only this, that only meeting our questions simply by saying that we are only big talkers, doing nothing, won't solve the problem. Then, as I have told the honourable members, my facts are quite accurate. I know and many of the honourable members, who are poor, know how much they have now to pay for their medicines, foodstuffs, and everything and how much they paid before. The Hon'ble Minister may not purchase things himself but poor men like us who have themselves to go to the market every day for making purchases know how much they paid before and how much they are paying now. My facts are accurate. There has been certainly an increase of 25 per cent. in the prices of commodities And it will be the bounden duty of every member, if he has got any feeling for the labourers, to have the resolution passed and see that the Government gives effect to the resolution by compelling the mill-owners to grant this 25 per cent. War Bonus

With these few words, Sir, I again ask the honourable members of this House to accept my resolution

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I say a few words in reply to what the honourable member has stated? Firstly, he has spoken with great fervour regarding the reserves of the jute mills. Undoubtedly, jute mills possess these reserves, for if the jute mills do not possess those reserves, they would not have been able to pay their labourers even in those days when they were working at a loss, and they would never be able to pay the labourers now when they are working at a loss. It is no use Dr. Banerjee saying that they are not working at a loss, or that because the Government of India has put an excess profits tax, so they must be making a profit. Nobody denies that immediately after the outbreak of the war the prices of manufactured commodities, *e.g.*, hessian rose to a considerable amount, and the mills made a considerable profit. But we are now talking of present conditions, and it is well known that at the present prices—that is a point which Dr. Banerjee will please take into account—the mills cannot make a profit. When jute is cheap and hessian dear they will certainly make a profit and in their half-yearly accounts they might be able to show a profit. But Dr. Banerjee must consider what is a fact, namely, that at the present prices they cannot make a profit. Does Dr. Banerjee live in his own world, or is he living in a world of dreams or in a practical world? Does he not know that there is a great dispute present among the mill authorities whether they should not bring the hours of work down again so that the price of their

manufactured goods might rise to such an extent that they may be in a position to balance their budget? Surely, Dr. Banerjee has heard that there is a talk amongst the mill authorities to bring down the hours of work from 60 to 54 or even 50.

Dr. Banerjee need not lacerate himself so much. I know it is a habit with him, but I would request him not to do so. Merely because a Manager thanked him for his enquiry but said that he would not discuss matters with him, it does not mean that he treated him like cats and dogs. I do not know whether a person in treating a dog as a dog should be treated thanks the dog first before turning him out. (Laughter.)

I want to make an offer in all seriousness to Dr. Banerjee—and I make this offer again and again—that if Dr. Banerjee and his friends and his colleagues do tread the path of constitutional and gentlemanlike trade unionism, we are prepared in every possible way to co-operate with them, and when I say "we" I mean the Government. That is the policy which Government has laid down, namely, to encourage in every possible way all legitimate aims of the workers. Thus he and his friends and I representing Government can work together for the purpose of extracting recognition for legitimate trade unions. I do, as a matter of fact, regret to a very great extent that I am deprived of the co-operation of Dr. Banerjee and his colleagues. I am sure that the time will come when Dr. Banerjee will realise that the efforts which are being made by Government are not against the interests of labour; and when we meet together and co-operate with each other in a common cause then the suspicion which Mr Khaitan entertains, namely, that in certain matters both the Opposition and Government are of the same mind on labour questions, will ripen into a certainty.

Mr. SPEAKER: (To Dr. Suresh Chandra Banerjee) From your to-day's speech I find that you can speak English very well. So, henceforward you will have to speak in English, Dr Banerjee.

I will now put Dr. Banerjee's motion The resolution of Dr. Suresh Chandra Banerjee that this Assembly is of opinion that steps be taken by the Government so that the authorities of all mills and factories within the province of Bengal be compelled to grant at least 25 per cent. of their pay as War Bonus to all classes of employees employed by them to mitigate the hardship caused to the labourers by a rise in the price of foodstuffs due to war, was put and a Division taken with the following result:—

AYES—58.

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.

Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Emdadul, Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Amed Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh. Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali, Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amarita Lal.
Maniruzzaman Islamabadi, Maulna Md.
Maqbul Hosain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherjee, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Ray Chaudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A..

NOES—111.

Abdul Aziz, Maulana Md.
Abdul Haiz, Mr. Mirza.
Abdul Hadi, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abdul Hashim, Maulvi.
Abul Hosain Ahmed Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Badruddaja, Mr. Syed.
Bell-Hart, Miss P. B.
Shippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Khaitan, Mr. Debi Prosad.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Ahmed, Maulvi.
Mariadin, Mr. F. J.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C. I. E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Atzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.

Muhammad Ishaque, Maulvi.
Muhammad Ismail, Maulvi.
Mullick, the Hon'ble Mr. Nagendra Behary.
Mullick, Mr. Pulin Behary
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqueem Haque, Mg. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir,
Patton, Mr. W. O.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lalita Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suharwardy, the Hon'ble Mr. H. S.
Stark, Mr. A. F.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Walker, Mr. J. R.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 58, and the Noes being 111, the motion was lost.

Mr. SPEAKER: I do not think we shall be able to finish the next resolution within the short time that remains. Moreover, there does not seem to be a quorum present. So I will now adjourn the House till 4-45 p.m., on Monday, the 4th March, 1940.

Adjournment.

It being 7-40 p.m.—

The House was adjourned till 4-45 p.m. on Monday, the 4th March, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 4th March, 1940, at 4·45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of the District Inspector of Schools as ex-officio Secretary of the District School Board.

***169. Khan Bahadur MOHAMMAD ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government contemplate making it compulsory for all District School Boards to appoint the District Inspector of School as the *ex-officio* Secretary?

(*b*) Is the Hon'ble Minister aware that there exists a feeling over the question involving the transference of powers from the non-officials to the officials?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The draft of a rule providing for the appointment of the District Inspector of Schools as *ex-officio* Secretary to the District School Board has been published with the object of eliciting the opinion of persons likely to be affected thereby. Objections or suggestions received will be considered before the rule is approved.

Maulvi ABDUL JABBAR: Will the Hon'ble Minister be pleased to state the object of framing such a rule which will prevent a non-official member from being elected as Secretary of the School Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have explained, the suggestion was made from different quarters that the District Inspector of Schools should for some time to come work as *ex-officio* Secretary. If this proposal does not meet with popular support, it will not be given effect to.

Grievances of machinemen of the Hemming Department of South Union Jute Mill, Matiabruz, Calcutta.

*170. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether he received some time back a petition signed by the machinemen of the Hemming Department of the South Union Jute Mill, Matiabruz, stating their grievances?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiry has been held in the matter?

(*c*) If so, how was the enquiry held?

(*d*) Has the enquiry been finished?

(*e*) If not, when is it likely to be finished?

(*f*) Will the Hon'ble Minister be pleased to state whether the report will be available to the members of this House and to the public?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) Yes.

(*c*) The Labour Commissioner has enquired into the complaint. He has examined the representatives of the local Jute Mill Workers' Union and the workers; he has made enquiries from the Labour Liaison Officer of the firm, from the neighbouring mills, from the Head Office; he has held discussions and has collected as much material on the subject as is necessary for him to come to an equitable finding.

(*d*) Yes, so far as collection of materials is concerned. The matter has proved to be extremely complicated; the evidence is conflicting; and the practice prevalent in the various mills widely divergent.

(*e*) Does not arise.

(*f*) It is not usual to publish the reports of the Labour Commissioner, which are submitted to Government in the course of his duties. I shall, however, consider the desirability or otherwise of issuing a statement if I think it is of sufficient public interest to justify it.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether any answer has been sent to the petition made to the Commerce and Labour Department by the Machinemen of the Hemming Department of South Union Jute Mill, Matiabruz, and, if so, when?

The Hon'ble Mr. H. S. SUHRAWARDY: On receipt of that petition the Labour Commissioner went to make an enquiry.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether any answer has been sent to the petitioners?

Mr. SPEAKER: That question does not strictly arise as the petition was received and an enquiry has been started on that.

Dr. SURESH CHANDRA BANERJEE: Sir, the spirit of my question was to find out what was done as a result of that petition and whether any——

Mr. SPEAKER: You have got the substance: the Labour Minister is prompt in acceding to the request made in the petition.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the application was received through any Union—Jute Mill Workers' Union or Bengal Chatkal Workers' Union?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: With reference to answer (*c*) in which the name of the local Jute Mill Workers' Union is mentioned, will the Hon'ble Minister be pleased to state whether this Union is recognised?

Mr. SPEAKER: That question does not arise.

Communal ratio in clerical appointments in Civil Courts in Asansol subdivision, Burdwan.

***171. Mr. BANKU BEHARI MANDAL:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the present number of clerks in the Civil Courts of Asansol subdivision in the district of Burdwan; and

(*b*) how many of them are—

(*i*) Caste Hindus,

(*ii*) Muslims, and

(*iii*) Scheduled Castes?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) 19.

(*b*) (*i*) Caste Hindus 14, (*ii*) Muslims 5 and (*iii*) Scheduled Castes none.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state when these appointments were made?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These are appointments that have been in existence for a long time.

Babu MADHUSUDAN SARKAR: My question is when these appointments were made?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Up till yesterday.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether these appointments were made after due advertisement?

Mr. SPEAKER: It is very difficult to say that. The question is about the total strength. It is not fair to ask now how appointments were made over a period of years

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state why no Scheduled Caste clerk has been taken?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These figures are just for a small subdivision. Scheduled Caste clerks might have been appointed in other subdivisions.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state the percentage of population of Hindus and Muslims in the district?

Mr. SPEAKER: That question does not arise.

Process-servers under the District Judge of Tippera.

***172. Maulvi ABDUL HAMID SHAH:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1939 under the District Judge of Tippera—

(*a*) the names of the Muslim process-servers who were made to retire;

(*b*) their age on retirement;

(*c*) the names of the newly-appointed non-Muslim process-servers as probationer and temporary;

(*d*) their age on appointment; and

(*e*) the number of Hindu and Muslim process-servers who have either completed 30 years' service or attained the age of 60 years who are still in service?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Mahabbat Ali, Akbar Ali, Munsar Ali Kazi, Monohar Ali, Neajaddin, Munsar Ali and Mahammad Ali Khan.

(*b*) 60.

(*c*) Suresh Chandra De only has been appointed probationer, and no other appointments as temporary or probationer have been or are likely to be made in view of the existing excess number of staff.

(*d*) 22.

(*e*) 29 Hindus and 24 Muslims who have completed 30 years of service but have not yet attained 60 years of age.

Difficulties in the matter of interview with prisoners in the Dum Dum Central Jail.

***173. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that iron bars, iron net and also thick glass panes have been placed to separate the interviewers from the convicted or undertrial prisoners interviewed in the Dum Dum Central Jail?

(*b*) Has any complaint been received by the Hon'ble Minister for the above arrangements?

(*c*) Is the Hon'ble Minister aware that the present arrangement causes inconvenience both to the interviewers and the interviewed, inasmuch as they cannot clearly see and distinctly hear each other?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) Some inconvenience is inevitable and I am taking measures to reduce it as far as possible.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to inform us whether any Government officer watches when the interview goes on?

The Hon'ble Khwaja Sir NAZIMUDDIN: How does this question arise?

Mr. ATUL KRISHNA GHOSE: It does in this way.

Mr. SPEAKER: What is the relevancy of your question?

Mr. ATUL KRISHNA GHOSE: My next question will bring out that point, Sir.

Mr. SPEAKER: This is not your question.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what is the object of making these arrangements?

The Hon'ble Khwaja Sir NAZIMUDDIN: The arrangements made are of the same kind everywhere. The object is to enable the person to see and talk and at the same time to prevent him from passing things.

Mr. NISHITHA NATH KUNDU: Is it not a fact that during the interview, specially in the case of political prisoners, the I. B. officers are deputed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the affirmative.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to state how he is going to reduce the inconvenience by keeping these arrangements intact?

Mr. SPEAKER: He has not said that he will keep these arrangements intact.

Mr. NISHITHA NATH KUNDU: The Hon'ble Minister has said that he is going to reduce the inconvenience. If he is going to keep these arrangements intact, how will he reduce the inconvenience?

The Hon'ble Khwaja Sir NAZIMUDDIN: There cannot be reduction but there may be some modification.

Mr. ATUL KRISHNA GHOSE: In view of the fact that the I.B. officers are watching all the time the interview lasts, what is the necessity of making these arrangements of iron bars, thick glass panes and other things?

The Hon'ble Khwaja Sir NAZIMUDDIN: These are the usual arrangements all over the world.

Schemes in respect of growth and development of industries in Bengal.

***174. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether Government have had any scheme in respect of the growth and development of industries in Bengal?

(*b*) If so, what is that scheme?

(*c*) Have the Government considered the necessity of helping the growth of small and cottage industries in the rural areas of Bengal?

(*d*) If so, have the Government prepared any schemes for that purpose?

(*e*) Have the Government made any arrangement for industrial research?

(*f*) If so, who is or are in charge of such research work and on what lines the works of research have been undertaken?

(*g*) Have the Government started any organisation for marketing industrial products of Bengal or for helping the industrialists to market their products?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the name of that organisation;

(*ii*) how is it constituted; and

(*iii*) what are its functions?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) to (*d*) The department has a planned programme for a balanced development of the industries of the Province in general and small and cottage industries in rural areas in particular. For an idea as to what the programme is and the action taken up to March, 1939, in pursuance of the programme, I would refer the member to pages 68 to 72 of the publication entitled "Two years of Provincial Autonomy in Bengal" issued by the Publicity Department of this Government—a copy of which is placed on the Library table. I hope to be able to give a further account of the action taken during the year 1939-40 and that proposed to be taken during the coming year in my budget speech during the current session of this House.

(*e*) and (*f*) As stated on page 70 of the publication referred to above, with the object of utilising the existing resources of the Province and devising ways and means for co-ordinating and harnessing them so as to create a dynamic effort in the prosecution of research to benefit existing industries or to bring new ones into existence, the Bengal Industrial Research Board has been constituted with eminent scientists

with considerable experience in the line. The constitution and functions of the Board are laid down in Government resolution No. 369-Ind., dated the 9th February, 1939, a copy of which is laid on the Library table. The Board have formulated a number of research schemes which are being executed partly through the agency of the Calcutta University and partly by the departmental officers at the Industrial Research Laboratory.

(*g*) and (*h*) The department has a Marketing and Publicity Officer who is engaged in giving publicity to small and cottage industry products of the Province and finding markets for them. The Industrial and Commercial Museum and the Moving Exhibition recently established have afforded an excellent means of giving wide publicity to the industrial products of the Province and thereby creating a good market for them in the Province and outside. Moreover, the department have been paying subsidies to the Bengal Home Industries' Association and the Good Companions for marketing cottage industry products of the Province. The Bengal Industrial Survey Committee have recently submitted a scheme for a comprehensive Marketing Organisation for small and cottage industry products which is now under examination, and I hope to be able to give effect to it in the near future.

Mr. SURENDRA NATH BISWAS: With reference to answers (*e*) and (*f*) where it is said "The Board have formulated a number of research schemes which are being executed partly through the agency of the Calcutta University . . ", will the Hon'ble Minister be pleased to state whether these things are being executed in the University Science College?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so I am not sure

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are aware that in the University Science College laboratory, the professors working there have found that many industrial products which are now being imported into Bengal from outside India can be manufactured on an industrial and commercial scale?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so. I don't know.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are prepared to make a sufficient contribution for experiments in the Science College for the purpose of seeing whether these things can be produced?

Mr. SPEAKER: I think you had better defer the question for a few months, till the next session.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Improvement of the road from Sealdah to Gangasagar.

72. Mr. BANKU BEHARI MANDAL: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that every year more than 2 lakhs of Hindu pilgrims go to Gangasagar for religious purposes;

(*ii*) that there is a road 41 miles in length from Sealdah to Gangasagar; and

(*iii*) that the said road is in a very bad condition?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take for the improvement of the road?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) The number of pilgrims is very large.

(*ii*) and (*iii*) The road connecting Calcutta and Kakdwip, which is opposite Sagar Island, is 55 miles in length; the portion between Calcutta and Diamond Harbour is surface-metalled and is in good order

(*b*) Government do not propose to take up the improvement of the road beyond Diamond Harbour at present as an extensive programme is already in hand in various parts of the Province.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state by which route he means the distance between Calcutta and Kakdwip is 55 miles in length?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe it is *via* Diamond Harbour.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if he is aware that there is no proper road between Diamond Habour and Kakdwip except a non-metalled road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, I think there is a *kutcha* road which is not in very good condition.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if the road between Diamond Harbour and Kakdwip is included in the extensive programme which is under the contemplation of Government now?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would refer the honourable member to the report of the Special Officer.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if the scheme of a road between Diamond Harbour and Kakdwip has been taken up by the Road Development Committee?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this section of the road is one of the important road projects recommended by Mr King as forming a link with the road leading from Calcutta to a seaside resort, namely, Frasergunj?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. The road to Digha, the proposed seaside resort, branches out from Sarisha, a place in the road to Diamond Harbour.

Appointments made in the district of Burdwan in connection with the Jute Restriction Scheme.

73. Mr. BANKU BEHARI MANDAL: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) the total number of appointments made from the residents of the Burdwan district for working in Burdwan district under the Jute Restriction Scheme; and

(*b*) how many of them are (*i*) Caste Hindus (*ii*) Muslims and (*iii*) Scheduled Castes?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) 31

(*b*) (*i*) Caste Hindus 5, (*ii*) Muslims 23 and (*iii*) Scheduled Castes 3.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state the basic principle according to which these numbers were selected from each group, viz. Muslims, Caste Hindus and Scheduled Castes?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable member will kindly see that the appointments made here refer to those made out of the candidates of one particular district only.

Babu MADHUSUDAN SARKAR: Sir, I want to know what is the basic principle according to which these appointments were made from each group?

The Hon'ble Mr. TAMIZUDDIN Khan: So far as the basic communal principle is concerned it is this: that appointments were made as far as practicable according to the communal decision of the Government.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state why only three men have been taken from the Scheduled Castes?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say that offhand. But the question is how many from the district of Burdwan were taken. Probably more candidates from the Scheduled Castes in this district were not available. I have also said in connection with other questions that the communal ratio was not strictly observed in respect of each locality, each district or each subdivision but the ratio was observed in respect of the Province as a whole

Maulvi AHMED ALI MRIDHA: Sir, in the question the word "restriction" has been used. I think it should be "registration".

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, that is so.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state what is the total number of people employed in the work of registration?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say offhand I want notice.

Intelligence Branch of Police in Birbhum.

74. Dr. SHARAT CHANDRA MUKHARJI: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(i) whether there is an Intelligence Branch of the Police in Birbhum;

(ii) whether an office building for this branch has been recently constructed at Suri;

(*iii*) how many officers are attached to the District Intelligence Branch, Birbhum;

(*iv*) what is the monthly expenditure for this District Intelligence Branch;

(*v*) what was the cost of the office building recently constructed;

(*vi*) whether there has been any political activity on the part of any organisation, or any political crime in the district of Birbhum, during the last five years; and

(*vii*) whether there are any other political organisations in the district of Birbhum except Congress Committees?

(*b*) If the answer to (*a*) (*vi*) and (*vii*) are in the negative, are the Government contemplating discontinuance of the District Intelligence Branch in Birbhum?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*), (*vi*) and (*vii*) Yes.

(*iii*) and (*iv*) It is regretted that the information cannot be given in the public interest

(*v*) Rs. 2,100.

(*b*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to name the political organisations other than the Congress Committees in the district of Birbhum?

The Hon'ble Khwaja Sir NAZIMUDDIN: Branches of the Communist Party of India and the Communist League, apart from others.

Mr. SASANKA SEKHAR SANYAL: Will the Minister be pleased to state what is the political crime referred to in question (*vi*) to which the answer has been given as "yes"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Actually there was a conspiracy case in 1934, that is 5 years before, but as an offshoot of that there was another case started in which ten persons were involved out of which eight were convicted That was in 1935——

Mr. SASANKA SEKHAR SANYAL: What was their crime?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it was in the year 1935 that a supplementary conspiracy case was started against ten persons of whom eight were convicted. This was an offshoot of the first conspiracy case which was started in 1934. The police recovered

a revolver in 1933 and another revolver and bomb in 1934. A conspiracy case known as the Birbhum Conspiracy Case (the conspirators in which committed seven crimes and a dacoity in Murshidabad district) was started against 21 members in 1934. Seventy of the accused were convicted in the case and later a supplementary case against ten members were started and eight were convicted. I believe this supplementary case was started in 1935.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*iv*), will the Hon'ble Minister be pleased to state if he is aware that there is a feeling in the country that this money is distributed among people——

Mr. SPEAKER: That question does not arise

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the expenditure by the District Intelligence Branch Office at Suri is met out of a secret fund?

Mr. SPEAKER: That question does not arise

Mr. ATUL KRISHNA GHOSE: Sir, I submit that if it is due to public interest that the Hon'ble Minister is not willing to reply to the question whether it is met from a secret fund, will the Hon'ble Minister be pleased to state what sort of public interest is affected here?

Mr. SPEAKER: You may reply to the latter part of his question, Sir Nazimuddin

The Hon'ble Khwaja Sir NAZIMUDDIN: I can explain that We do not want to divulge the number of the people who are there and what is their strength because that will be against public interest. If their number is known, they may be spotted

Mr. ATUL KRISHNA GHOSE: What about the question of their monthly expenditure?

The Hon'ble Khwaja Sir NAZIMUDDIN: Expenditure will reveal the fact

Dr. SHARAT CHANDRA MUKHARJI: Will the Hon'ble Minister be pleased to state how does the information regarding expenditure affect public interest?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because that will reveal the strength of the Intelligence Branch Department at Birbhum and you will be able to spot the men who are doing the work.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state if he is aware that there is a feeling that money is distributed among people as a matter of patronage?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to explain what are the difficulties in giving the number of the officers although we do not want the number of the informers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that we cannot reveal the strength or the name of the people of the Intelligence Branch because they are liable to be shot at as they have been before. The honourable member ought to realise that.

Dr. SURESH CHANDRA BANERJEE: Sir, what has happened to my question?

Mr. SPEAKER: You had better enquire in the office

GOVERNMENT BILLS.

The Bengal Jute Regulation Bill, 1939.

The discussion on the Bengal Jute Regulation Bill was then resumed.

Clause 14

Mr. MD. ABUL FAZL: Sir, I beg to move that clause 14 (*1*) (*d*) be omitted and sub-clauses 1 (*e*) and (*f*) be renumbered as (*d*) and (*e*).

Babu PREMHARI BARMA: Sir, I beg to move that in clause 14 (*1*) (*d*), in line 4, after the word "year" the words "and which is in excess of the total area of land specified in the licence" be inserted.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 14 (*1*), lines 30-33, for the words "with imprisonment which may extend to six months or with fine which may extend to three hundred and fifty rupees or with both", the words "with fine which may extend to one hundred rupees" be substituted.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 14 (*1*), line 31, for the words "six months" the words "one month" be substituted.

Babu PREMHARI BARMA: Sir, I beg to move that in clause 14 (*1*), in line 31, for the word "six" the word "three" be substituted.

Sir, I also beg to move that in clause 14(*1*), lines 32-33, the words "three hundred and" be omitted.

Mr. AMRITA LAL MONDAL: Sir, I beg to move that in clause 14 (*1*), lines 32-33, for the words "three hundred and fifty" the words "one hundred" be substituted.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 14 (*1*), lines 32-33, for the words "three hundred and fifty" the words "one hundred and fifty" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 14 (*2*), line 5, for the word "Officer" the word "Magistrate" be substituted.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 14 (*2*), line 10, after the word and figure "section 12" at the end, the words "or by the union jute committee concerned" be inserted.

Mr. AMRITA LAL MONDAL: Sir, I beg to move that in clause 14 (*3*), lines 14-16, for the words "imprisonment which may extend to six months or with fine which may extend to two hundred and fifty rupees or with both" the words "fine which may extend to fifty rupees" be substituted.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 14 (*3*), in lines 14-16, for the words "imprisonment, which may extend to six months, or with fine which may extend to two hundred and fifty rupees or with both" the words "fine which may extend to one hundred rupees" be substituted.

Sir, I also beg to move that in clause 14 (*3*), in line 14, for the word "six" the word "two" be substituted.

Sir, I further beg to move that in clause 14 (*3*), lines 15-16, for the words "two hundred and fifty" the words "one hundred" be substituted.

Mr. SIBNATH BANERJEE: Sir, I beg to move that in clause 14 (*1*), lines 30-33, for the words beginning with "shall" and ending with "both" the following be substituted, namely:—

"shall on conviction be punished with cancellation of license if issued and stopping grant of license which may extend to three consecutive years or fine, which may extend to hundred rupees or with both and on non-payment of fine rigorous imprisonment which may extend to three months and at the time of cancellation of license if there be jute on his land, the Court shall confiscate and take possession of the same."

Mr. SPEAKER: I think there is no necessity for long speeches. If any member wants to speak I hope he will be very short and will finish his speech in three minutes.

Mr. DHIRENDRA NATH DATTA: Sir, the first thing that I intend to move is that sub-clause (*d*) should be taken away from clause 14 because this sub-clause stands on a different footing from sub-clauses (*a*), (*b*), (*c*), (*e*) and (*f*). Sub-clause (*d*) is certainly an offence for which separate punishment must be meted out, but so far as sub-clauses (*a*), (*b*), (*c*), (*e*) and (*f*) are concerned, I think that imprisonment should not be provided in those cases. As regards sub-clause (*d*) I think justice of the case will be meted out if instead of imprisonment which may extend to six months or with fine which may extend to three hundred and fifty rupees or with both if only a fine of Rs. 100 is provided for.

Mr. SPEAKER: Your point is that the fine should be reduced. Mr. Sibnath Banerjee's case is that if there is a conviction licence should be cancelled.

Mr. DHIRENDRA NATH DATTA: With respect to amendment No. 257, it is stated that if there be an imprisonment the period should be reduced from 6 months to 2 months. We are all agreed that if there be any punishment it should be reduced. If the punishment is in the form of imprisonment it should be reduced to two months and if it is in the form of fine I think Rs. 100 or Rs. 150 will be sufficient to meet the justice of the case.

Mr. MD. ABUL FAZL: Sir, the object of my motion is that the imprisonment and fine should be reduced to one month in the former case and Rs. 50 in the latter case. Sir, the offences are very simple. The offences are mentioned as non-compliance with a notice and making false statement with regard to sowing of jute either intentionally or unintentionally. Sir, as you very well know, the rural people are

liable to make statements which may not be always correct. Again, as regards falsely impersonating another, it may be that one man may send his relative to give certain information. Offences are also mentioned as voluntarily obstructing or preventing a recording officer from taking records, measurements, etc. These are very simple offences for which heavy punishments have been provided for in the Bill. Sometimes officers who go to take measurements and particulars manufacture these offences. So, Sir, considering the simple nature of these offences which the poor cultivators are liable to commit I have moved my amendment that the fine be reduced to Rs. 50 and imprisonment to one month, and I hope that these will serve the purpose.

Mr. SURENDRA NATH BISWAS: Sir, if my amendment is accepted the union committees shall be entitled to make a complaint for breach of law. Otherwise no person on the spot will have any chance of complaining. If the Hon'ble Minister really intends effective regulation, then there must be somebody on the spot to make a complaint that so and so cultivated jute in an excess area.

The persons who have been given that power are all people living outside the union where offences may be committed, and it is not expected that those officers will work there like village chaukidars all over the jute growing area to watch and enquire who has violated the law. I draw the Hon'ble Minister's attention to the wording of sub-clause (2), which so provides that if any jute-grower cultivates excess land, he will not be easily found out unless somebody on the spot can have a right to complain. My amendment is very simple. The whole idea——

Mr. SPEAKER: Mr. Biswas, you are taking more than two minutes.

Mr. SURENDRA NATH BISWAS: Sir, I had said that I would not take more than one minute if the Hon'ble Minister accepted my amendment. Sir, I advised regulation to be carried through union boards with the help of representatives of jute-growers in each union.

Now, Sir, regulation is being attempted to be made by outside officers. In order to have effective regulation, I submit, Sir, somebody on the spot must have the power to make a complaint. That is my humble suggestion.

Mr. SPEAKER: You want to insert that after the words "a person authorised by the Director of Land Records"?

Mr. SURENDRA NATH BISWAS: Yes, Sir. The Director of Land Records may or may not make a second survey or a third survey.

Then come the words "upon complaint by a recording officer or by a servant of the Crown authorised by the Collector under sub-section (2) of section 3 or by a person authorised by the Director of Land Records under sub-section (3) of section 12."

May I ask, Sir, who will complain, if no other survey is made?

Mr. SPEAKER: The words "a servant of the Crown" are there.

Mr. SURENDRA NATH BISWAS: Authorised by?

Mr. SPEAKER: No question of authorisation. This clause is applicable if anybody obstructs a servant of the Crown in making a survey for the purposes of this Act or in the performance of his duties. So that serves your purpose. You better see that that section is quite complete.

Mr. SURENDRA NATH BISWAS: Sir, sub-clause (*d*) runs thus: "Without obtaining a licence in the prescribed form or in contravention of any of the provisions of a licence, grows jute on any area of land not specified in such licence . . . ", etc.

Mr. SPEAKER: That will do.

Mr. SURENDRA NATH BISWAS: So, Sir, it is not expected, if anybody is to be punished under sub-clause (*d*), that a servant of the Crown who may be authorised by the Collector or a person authorised by the Director of Land Records will make a tour all over the jute area all the time during the jute season and make complaints. That is not expected.

So I submit, Sir, that this is a reasonable amendment and Government should accept it so that the regulation may be effective. Somebody must be on the spot to complain, so that the jute-growers may be checked. If the Union Committee is given the power to complain, the jute-growers will fear that members of the Union Committee will come to know easily that a particular jute-grower has contravened his quota and has produced jute on excess area, and for fear of that the jute-grower will not produce jute on excess area. I hope, Sir, that the Hon'ble Minister will accept my amendment.

Babu PREMHARI BARMA: Sir, clause 14 is a penal clause, and if anybody contravenes its provisions he will be heavily fined and will also be sent to jail.

With regard to my amendment, I submit that the object of my amendment is that if anybody grows jute on any area not specified in the licence, he should not be punished provided the total area of the land on which he grows jute is not in excess of the total area specified

in the licence. It is also a well-known fact, Sir, that jute is not grown on a particular area every year. It is cultivated alternately on different plots. Therefore if anyone be convicted for the simple reason that he has cultivated jute in any other plot except the plot on which——

Mr. SPEAKER: Mr. Tamizuddin, is it your intention that a man must cultivate the same land every year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, he must not cultivate a land not mentioned in the licence.

Mr. SPEAKER: Suppose I take a licence for one plot, I cultivate jute on another plot but I do not cultivate in excess of the area of the plot mentioned in the licence, what will happen?

The Hon'ble Mr. TAMIZUDDIN KHAN: In every case, Sir, you can change the plot in the licence by applying first to the union committee and next to the Collector.

Babu PREMHARI BARMA: Sir, this will cause a great hardship to the cultivators if they have to apply to the District Magistrate or some other body for a special licence. So I hope the Hon'ble Minister will accept my amendment. Otherwise, it will be a great hardship to the jute-growers of Bengal, because all of them will not be able to go to the District Magistrate or some other officer to grow jute on any particular land without a licence——

Mr. SPEAKER: That will do.

Babu PREMHARI BARMA: Sir, with regard to my other amendments——

Mr. SPEAKER: Those have already been dealt with.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as my amendment No. 252 is concerned, that is only consequential, and I think the House will accept it. I oppose all the other amendments. I appreciate the object of my honourable friends who have moved those amendments. Their intention is to effect some improvement. But I would appeal to them that they should not insist on making these hair-breadth distinctions which will only complicate matters. I do not say that they are altogether unreasonable, but I submit, Sir, that it is not necessary to make such fine distinctions. Mr. Biswas says that the Union Jute Committee should also be given the power of complaining. That is not necessary because members of the union committee will not be inspecting officers; they will not go to see whether a particular person has

actually grown jute or not in accordance with the terms of his licence. Their simple duty will be to allot the plots. Therefore it is unnecessary to give the union committee the power of making complaint. This amendment is not necessary at all.

The amendment of Mr. Premhari Barma is important no doubt.

Mr. DHIRENDRA NATH DATTA: How will the excess production be detected? Who will detect it?

The Hon'ble Mr. TAMIZUDDIN KHAN: Officers of the Jute Restriction Scheme. I would refer my honourable friend to clause 12 of the Bill.

Now, Sir, I was speaking on the amendment of Mr. Barma——

Mr. SURENDRA NATH BISWAS: Will that be a permanent body?—the body which will register the lands for jute cultivation?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. SURENDRA NATH BISWAS: Then if the body be not permanent who will be there to detect excess production?

Mr. SPEAKER: According to licence.

Mr. SURENDRA NATH BISWAS: But who will detect it?

The Hon'ble Mr. TAMIZUDDIN KHAN: These difficulties have arisen because I am afraid, my honourable friend has not gone through the provisions of the Bill. First of all, licences will be given and according to licences sowings will be made and thereupon there will be a check.

Mr. SURENDRA NATH BISWAS: Every year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, it must be every year, otherwise the whole thing will be ineffective.

Mr. SURENDRA NATH BISWAS: For the purpose of punishing?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, not for that purpose only but also for the purpose of seeing whether the Government orders are actually carried out or not.

It is impossible to think that these orders will be passed and licenses will be issued and no check will be made to see actually whether the licenses have been acted upon or not.

However, Sir, I was speaking on the amendments——

Mr. SURENDRA NATH BISWAS: With your permission, Sir, may I say one word? May I draw the Hon'ble Minister's attention to clause (3)——

Mr. SPEAKER: After the Hon'ble Minister has finished his speech.

The Hon'ble Mr. TAMIZUDDIN KHAN: I was speaking, Sir, on the amendment of Mr. Premhari Barma. He says that if a particular jute grower is found to grow jute on the same area of land for which he was given the licence then he should not be prosecuted simply because he had changed the plot, but if my friends will look to the scheme of this measure, it is this that the licences will be granted not only for the area concerned but also for the particular plots comprising the area. For, if that is not done, there will be very great difficulty in checking the actual sowings and the cost of the checking will be tremendously increased. Therefore it is very important that the actual plots allotted to the individual growers should be adhered to and this will not be difficult because, first of all, the intending growers will be entitled to apply to the union committees for changing their plots and they will get the necessary sanction for these changes from the union committees. Even if thereafter they think that they cannot sow on the plots mentioned in their licences then they can make an application to the Collector and get further changes effected. This provision, Sir, has already been accepted by the House. So the present proposal is merely consequential. As these provisions have been accepted there must be a penal provision corresponding to those provisions. Therefore, Sir, I think Mr. Barma's amendment is now rather too late. I oppose the amendments.

Mr. SPEAKER: Mr. Biswas, what was your question that you wanted to put?

Mr. SURENDRA NATH BISWAS: Sir, it is this. The Hon'ble Minister said in reply to my question as to whether this checking for the purpose of record and registration of land would be made every year, that it would be so. But I find from clause (3) that the Provincial Government may by notification direct that for the whole of Bengal or for such part thereof as may for any special reason or purpose be specified in the notification, a record shall be prepared of all lands on which jute was grown by any grower of jute in such year as may be specified in the notification. That is, therefore, Government may or may not direct the preparation of records; record may be prepared or may not be prepared. If what the Hon'ble Minister now says is correct, then certainly Government will have to prepare a record every year and that preparation will be very much costly. So I ask him, such a record will be had for what purpose? Is it for the purpose of only punishing the peasants?

The motion of Mr. Asimuddin Ahmed that clause 14(*1*) be omitted, was then put and lost.

The motion of Mr. Md. Abul Fazl that clause 14(*1*)(*d*) be omitted and sub-clauses 1 (*e*) and (*f*) be renumbered as (*d*) and (*e*), was then put and lost.

The motion of Babu Premhari Barma that in clause 14(1) (*d*), in line 4, after the word "year" the words "and which is in excess of the total area of land specified in the licence" be inserted, was then put and lost.

The motion of Mr. Sibnath Banerjee that in clause 14(*1*), lines 30-33, for the words beginning with "shall" and ending with "both" the following be substituted, namely:—

> "shall on conviction be punished with cancellation of license if issued and stopping grant of license which may extend to three consecutive years or fine, which may extend to hundred rupees or with both and on non-payment of fine rigorous imprisonment which may extend to three months and at the time of cancellation of license if there be jute on his land, the court shall confiscate and take possession of the same.",

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 14(*1*), lines 30-33, for the words "with imprisonment which may extend to six months or with fine which may extend to three months or with fine which may extend to three hundred and fifty rupees or with both," the words "with fine which may extend to one hundred rupees," be substituted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 14(*1*), line 31, for the words "six months" the words "one month" be substituted, was then put and lost.

The motion of Babu Premhari Barma that in clause 14 (*1*), line 31, for the word "six" the word "three" be substituted was then put and lost.

The motion of Babu Premhari Barma that in clause 14(*1*), lines 32-33, the words "three hundred and" be omitted, was then put and lost.

The motion of Mr. Amritalal Mondal that in clause 14(*1*), lines 32-33, for the words "three hundred and fifty" the words "one hundred" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 14(*1*), lines 32-33, for the words "three hundred and fifty" the words "one hundred and fifty" be substituted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 14(*2*), line 10, after the word and figure "section 12" at the end, the words "or by the union jute committee concerned" be inserted, was then put and lost.

The motion of Mr. Amrita Lal Mondal that in clause 14(*3*), lines 14-16 for the words "imprisonment which may extend to six months or with fine which may extend to two hundred and fifty rupees or with both" the words "fine which may extend to fifty rupees" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 14(*3*), in lines 14-16, for the words "imprisonment which may extend to six months, or with fine which may extend to two hundred and fifty rupees or with both" the words "fine which may extend to one hundred rupees" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Dutta that in clause 14 (*3*), line 14, for the word "six" the word "two" be substituted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 14(*3*), lines 15-16, for the words "two hundred and fifty" the words "one hundred" be substituted, was then put and lost.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in clause 14(*2*), line 5, for the word "Officer" the word "Magistrate" be substituted, was then put and agreed to.

The question that clause 14 as amended stand part of the Bill was then put and agreed to.

Clause 15.

Mr. SIBNATH BANERJI: Sir, I have an amendment No. 310. The Hon'ble Minister has withdrawn his amendment No. 303 but my amendment No. 310 remains.

Mr. SPEAKER: I will take up your amendment last, if that be found to be relevant.

Amendment Nos. 260-64 under this clause is a negative amendment, so it does not arise.

Mr. ATUL KRISHNA GHOSE: I beg to move that in clause 15, line 4, for the word "destroyed" the words "forfeited by the Government" be substituted.

I also beg to move that in clause 15, line 5, for the word "destruction" the word "forfeiture" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose these two amendments, because if the crops are forfeited Government will have to make elaborate arrangements for storing the jute so forfeited. It would be very expensive and difficult to do so.

Mr. SPEAKER: I shall now put the two motions Nos. 267 and 269.

Dr. NALINAKSHA SANYAL: Sir, this side of the House would very much like to make a few speeches on these two amendments. It is a very important matter and we do not like that our friends should vote without realising the matter fully We only want 5 minutes' time.

Mr. SPEAKER: All right, but not more than 5 minutes

Mr. ATUL KRISHNA GHOSE: Sir, I want to say only a few words in regard to these motions of mine. The provision as it stands here is that when any person has been convicted under sub-clause (*d*) of clause 1 of section 14, the court may direct that the jute in respect of which the offence was committed shall be destroyed and may further order that the cost of the destruction shall be recoverable from such persons as if it were a fine May I ask the Hon'ble Minister that by destroying a large quantity of jute all over Bengal and particularly belonging to the ignorant peasants who perhaps may not understand the significance in the first year of all the rules and regulations, as to what Government will get out of it? But if the object of punishing the peasant is to bring him to his senses, is it not fair and just to forfeit all those crops only, so that he will come to his senses? It will serve no purpose for him to grow jute on lands which have not been sanctioned according to his license. This is a simple question which I am putting on behalf of the poor and uneducated peasants of Bengal. In the very first year they cannot be expected to be acquainted with all the rules and regulations of this Bill. Even if the Government is not willing to continue this clause afterwards, at least in the beginning, for the first year or the second year, is it not proper for the Government to teach them a lesson by forfeiting their crop and not by destroying them? By destroying those crops Government will not get anything whatsoever, nor will the peasants get anything. But the jute which is the asset of the country will be set fire to and will be destroyed, and even the cost of the match sticks which will be used to burn them and perhaps the cost of one or more men who will be deputed to set fire to this crop will be realised from that unhappy poor peasant. If that is the procedure of Government with the very inception of this Bill, I do not know what good Government will do to the poor peasants. With

these few words I would like to draw the attention of the Hon'ble Minister to this point and I can assure him that the Government will lose nothing whatsoever by putting the word "forfeited" or "forfeiture" in place of the words "destroyed" and "destruction". I have nothing further to add, Sir, but commend my amendments to the acceptance of the House.

Dr. NALINAKSHA SANYAL: Sir, I don't suppose that you will permit the Hon'ble Minister to reply to certain arguments only and not to others which you have not heard yet. The position is this.

Mr. SPEAKER: I am making it absolutely clear that if to-day the Money-Lenders Bill is not finished, there is no chance of that Bill being taken up till the end of this month.

Dr. NALINAKSHA SANYAL: If you will be so pleased and if our friends agree we might sit late. The point is simple. In this clause, provision has been made only for destroying the crop where crop has been produced in contravention of the regulation proposed by Government. We, on this side, feel that, instead of destroying the crop, the Government should forfeit the crop and keep it for future sale either by the cultivator or by themselves if they like. That would be very helpful.

Mr. SPEAKER: May I suggest one thing which will give you a little more time to discuss? What I am suggesting is this: let me see whether any other amendments are going to be moved. There are only four or five clauses remaining which are minor clauses.

Dr. NALINAKSHA SANYAL: There is no other important amendment.

Mr. SPEAKER: What I suggest is that amendments to clauses 16, 17, 18, 20 and 21, may be moved and discussed together, so that you will get a little more time. There are only one or two points. You can discuss them all together

Dr. NALINAKSHA SANYAL: There may not be any difficulty in regard to other amendments This is the only important amendment.

Sir, we submit that the American policy of destroying cotton, from which probably our Minister has got his cue, has not been successful, and that policy has been condemned. As a matter of fact, at the present moment I cannot conceive of any cultivator of Bengal, be he a Hindu or be he a Muslim, who will permit the valuable produce of his soil to be destroyed in his presence. It is against the principles

as much of the Hindu religion as of the Muslim religion. It would be impossible for Government, without creating serious disturbances in the rural areas, to destroy the crop there. Sir, there may be an alternative proposition, a proposition of forfeiture. The argument may be advanced that if the crop is there and if the higher production is there, the holding over of the crop even by Government might have a depressing effect on the price. To that my reply is that in the next year's regulation Government will always take the quantity of excess jute held by Government into consideration, and Government can accordingly regulate the crop. Further, there is absolutely no reason why Government cannot for that particular cultivator who has produced jute in excess regulate something specifically in a more drastic manner in view of the fact that in a particular year he has produced something in excess. If that cultivator has been guilty of excess production this year, in the following year Government may withhold his licence for any jute area at all, and the crop of the current year may be sealed and kept even in his own account with some responsible party or Government and it may be handed over to him later on, in view of the loss that he might suffer in the following year on account of the restriction on his sanctioned area of jute under cultivation. This is a very important question of principle. We cannot conceive of the economic interests of the country being advanced by destroying the valuable produce of the soil. We ask Government to seriously consider if they would go by the exploded theory of America or if they would examine very carefully what would be practicable and what would be ultimately economical and beneficial to the rural population of Bengal. I may inform the House that probably it will meet our purpose as well as the Hon'ble Minister's purpose if he accepts a compromise formula of having the power "either to destroy or to forfeit." Here you have got the power of destruction only. Instead of that, may I propose that Government should have power either to destroy or to forfeit as the case may be. In a particular year Government may think it advisable to regulate the prices and maintain better prices merely by forfeiture. In another year Government may find it necessary to go to the length of destruction. Why not have this alternative? Government may be free to choose a particular procedure in a particular year as the circumstances may demand.

Maulvi ABU HOSSAIN SARKAR: Sir, I should like to add a few words on behalf of my party.

Mr. SPEAKER: 200 words?

Maulvi ABU HOSSAIN SARKAR: I shall only take two or three minutes.

Mr. SPEAKER: Yes.

Maulvi ABU HOSSAIN SARKER: On behalf of my party I oppose the introduction of a clause like clause 15 in a permanent piece of legislation, because we consider it to be too drastic. A man may be convicted, he may be fined, he may be imprisoned, but he will get double punishment if his crop is destroyed and the cost of destruction is realised from him in addition. It goes against the general principle of the criminal law also. There is a principle, of course, in the Excise Law—a department managed by the Hon'ble Mr. Raikut. Had this clause been proposed by that gentleman there could have been a little consolation, because in the Excise Department the *ganja* crop is destroyed and also the man who grows that crop illegally is punished? That principle is introduced here.

There is another thing. I differ a little bit from my friend Dr. Sanyal. He supports forfeiture. That is a thing which should be considered very carefully. Jute is grown in the months of summer, and if the crop is forfeited to the Government it will take three or four months to keep the crop on the land. Now the cultivator will be deprived of the opportunity of growing paddy or any other alternative crop on that plot of land in that particular year. Therefore I submit that instead of destroying or forfeiting the crop to the Government, the poor man should be given the benefit of the crop and a fine or a punishment, whatever it may be, can be inflicted upon him. He should not be punished twice for a simple offence, as these poor people are generally ignorant. It would be very difficult to impose on them the idea of punishment—the idea of fine for a long time. Therefore, if he is convicted, and his property also confiscated, he will be doubly punished. For this reason, Sir, I request the Hon'ble Minister to withdraw the clause.

Mr. SIBNATH BANERJEE: The points raised on this amendment are various. The three speakers who have preceded me have spoken from three different angles. I find that I am not in agreement with any one of them. I feel that this measure which is being advocated is a completely anarchist measure. Government used to accuse the revolutionaries as anarchists without knowing the scientific meaning of the word. Anarchy means this: where there is no plan there is anarchy. And here in the absence of any plan Government are advocating the destruction of wealth. This is really capitalism digging its own grave which we see from the measure advocated by the Hon'ble Minister. Otherwise, there is no sense in it. You produce jute and then destroy it, because you cannot plan beforehand. As has been advocated by Dr. Sanyal, you can keep it under seal and you can use it next year, and then next year you can regulate the crop accordingly. There is no harm done to anybody. But I don't agree with Maulvi Abu

Hossain Sarkar that the punishment is double or excessive, because if you fine a man or if you put him in prison there will be punishment. Therefore, I am not attacking this measure on the score of severity of punishment, but on the simple principle that wealth should not be destroyed. Wealth is produced by labour and the peasants are labourers. They feel that the wealth that is produced should not be destroyed. The capitalists and their henchmen may talk glibly about destroying wealth. They do not know how things are produced and, therefore, these things are advocated. I am surprised, Sir, that when these things were discussed in the Jute Enquiry Committee the proposal of destruction came always from the other side. Not only the cue came from America but here also the capitalists, like their brethren in other parts of the world feel alike and, therefore, they advocate this system. I think, Sir, as it is coming from an ex-member of the Krishak Praja Party, it is very significant. Not only has he changed his side, not only is his ideology changed, but he is altogether a changed man. If he now wants to show that he retains even a little sympathy for the peasant workers and that he retains even a little of his past mentality, then he should withdraw his measure and should not support destruction of crops.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, Mr. Sibnath Banerjee sees no sense in this clause at all But did he say all these things when he acted as a member of the Select Committee? Not a word is to be found against this provision in his note of dissent to the Select Committee's report——

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister forgetting the discussion there?

Dr. NALINAKSHA SANYAL: Sir, nobody should refer to the proceedings of the Select Committee, neither the Hon'ble Minister nor the honourable member.

Mr. SPEAKER: Yes, I hope, the debate should be confined to this clause only.

The Hon'ble Mr. TAMIZUDDIN KHAN: My honourable friends who have opposed this provision have failed to notice that it will be altogether discretionary to the Court to pass such orders or not. The word used is "may" and not "shall". Therefore, the Court that will award sentence may not at all think of ordering destruction of the jute that may be on the land. But I would submit that those who are in favour of forfeiture in place of destruction, in the interests of the jute-growers, will be doing a positive disservice to the jute-growers because these illegal sowings, in all probability, will be detected early while

the jute plants are very young. If at that stage, destruction is ordered and the field is ploughed up, the poor cultivator will be in a position to sow paddy or some other crop on the land, whereas if there is forfeiture, the cultivator will be an all-round loser because Government will have to allow the jute to grow up in spite of the fact that it has been found by a Court that the jute has been illegally sown and then taken possession of. This position is altogether illogical and anomalous and I see no reason to support such a proposal. So I oppose this amendment.

The motion of Mr. Atul Krishna Ghose that in clause 15, line 4, for the word "destroyed" the words "forfeited by the Government" be substituted, was then put and lost.

The motion of Mr. Atul Krishna Ghose that in clause 15, line 5, for the word "destruction" the word "forfeiture" be substituted, was then put and lost.

The question that clause 15 stand part of the Bill was then put and a division taken with the following result:—

AYES—107.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashraful, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Bose, Mr. Jaladra Nath.
Birkmyre, Sir Henry, Bart.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prasad.
McGregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar, Uday Chand.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Marindin, Mr. F. J.
Masud Ali Khan Panni, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mohammad Afzal, Khan Sahib Maulvi Syed.

Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman, Khan, Mr.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Roy, Mr. Patiram.
Sahabe Alum, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Samaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sen, Rai Bahadur Jogesh Chandra.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Stevens, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

NOES—57.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chattopadhyay, Mr. Haripada.
Choudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherji, Dr. Shyama Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nasker Ali, Mr. Syed.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy, Mr. Mammatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Sinha, Srijut Maniindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahur Rahman, Maulvi.

The Ayes being 107 and the Noes 57, the motion was carried.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, these things are being done very hurriedly. We expected that the remaining business would be taken up after the prayer interval.

Mr. SPEAKER: But the prayer interval is at 6-10.

Mr. JOGESH CHANDRA GUPTA: At any rate there was no ringing of the bell so that we could come into the House.

Mr. SPEAKER: Why should a ring be necessary? As a matter of fact as I found you absent in the House the bell was rung so that you can all come. In any case I am not taking up the third reading now.

Clause 16.

The question that clause 16 stand part of the Bill was then put and agreed to.

Clause 17.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 17, line 7, for the word "Officer" the word "Magistrate" be substituted.

The motion was then put and agreed to.

The question that clause 17 as amended stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 stand part of the Bill was then put and agreed to.

Clause 21.

Mr. C. MORGAN: Sir, I beg to move that in clause 21(*1*), line 1, after the word "may" the words "subject to the condition of previous publication" be inserted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 21(*2*)(*i*), line 2, the words "or election" be omitted.

Sir, I beg also to move that in paragraph (*h*) of sub-clause (*2*) of clause 21, after the figure "5" the words "and of examining and revising any correction made under that section" be inserted.

Sir, I beg further to move that in clause 21 (2) in paragraph (*kkkk*) after the figure and letter "6B" the words "and the powers of the Advisory Board to compel attendance of witnesses and production of documents" be inserted.

Sir, I beg also to move that in clause 21 (2) in paragraph (*n*) the words "and the fee payable for" be omitted.

Sir, I beg further to move that in clause 21 (2) in paragraph (*q*), for the word "Collector" the words "Subdivisional Magistrate" be substituted, and after the figures "12" the words "and the form of such report" be inserted.

The amendment of Mr. G. Morgan that in clause 21(*l*), line 1, after the word "may" the words "subject to the condition of previous publication" be inserted was then put and lost.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in clause 21(2)(*i*), line 2, the words "or election" be omitted was then put and agreed to.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in paragraph (*h*) of sub-clause (2) of clause 21, after the figure "5" the words "and of examining and revising any correction made under that section" be inserted was then put and agreed to.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in clause 21(2) in paragraph (*kkkk*) after the figure and letter "6B" the words "and the powers of the Advisory Board to compel attendance of witnesses and production of documents" be inserted was then put and agreed to.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in clause 21(2) in paragraph (*n*) the words "and the fee payable for" be omitted was then put and agreed to.

The amendment of the Hon'ble Mr. Tamizuddin Khan that in clause 21(2) in paragraph (*q*), for the word "Collector" the words "Subdivisional Magistrate" be substituted, and after the figures "12" the words "and the form of such report" be inserted was then put and agreed to.

The question that clause 21, as amended, stand part of the Bill was then put and agreed to.

Mr. SIBNATH BANERJEE: Sir, you assured me that I would get an opportunity to speak.

Mr. SPEAKER: In connection with which amendment do you want to speak?

Mr. SIBNATH BANERJEE: On amendmuent No. 310, Sir.

Mr. SPEAKER: So far as that is concerned, the difficulty is that if Government had stuck to their point then by some way or other you could have got an opportunity. But you put it in after clause 5 was carried. Therefore it does not arise.

Mr. SIBNATH BANERJEE: May I submit, Sir, that it is an altogether new matter? This only suggests that for 1940 new records should be taken. That is what I have suggested. Of course it can be done under the rules, but we are apprehensive that several lakhs of rupees may be lost in that way.

Mr. SPEAKER: I am afraid I cannot accept that.

Mr. SIBNATH BANERJEE: It is a new matter altogether, Sir.

Mr. SPEAKER: After clause 5 has been carried, it cannot be pressed. I am sorry it cannot be taken at this stage.

Mr. SIBNATH BANERJEE: We were assured, Sir, that it would be taken up later on.

Mr. SPEAKER: Yes, but after taking it up I find that it is out of order.

Before I put the Bill for the third reading there is one other matter. The House will remember that a certain amendment has to be carried. Clause 2A will have to be incorporated in the Bill as sub-clause (*3a*).

The question that clause 2A be incorporated in clause 2 of the Bill as sub-clause (*3a*) was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

Mr. SPEAKER: The third reading will be taken up immediately after the prayer adjournment.

(At this stage the House was adjourned for 20 minutes.)

(*After adjournment.*)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation Bill, 1939, as settled in the Assembly, be passed.

Mr. SPEAKER: I think some members from the Congress Side will desire to speak on this motion. Will you tell me, Mr. Gupta, how many members will speak from your side?

Mr. JOGESH CHANDRA GUPTA: Only two, Sir.

Mr. SPEAKER: Would it not be convenient if I allot 8 minutes only to each speaker?

Maulvi ABU HOSSAIN SARKER: Ten minutes would be very welcome, Sir.

Mr. SPEAKER: All right.

Maulvi ABU HOSSAIN SARKER: Sir, I opposed the Bill from the very beginning as we considered that piecemeal legislation about jute will not be beneficial to the country. We could not succeed, for Government followed Sir Samuel Hoare and went on with their caravan. In one respect, however, I must thank my stars that we could convert the whole House to the opposition point of view. When the Jute Regulation Bill was first introduced in the Assembly, I moved for its circulation mainly on the ground that the regulation would be based on inaccurate statistics and during the war time it would be harmful to the cause of the agriculturists. At that time some of my well-intentioned friends advised me not to move the amendment as they feared that I would be misunderstood in the country. However in the long run I was supported by economists like Dr. Sanyal and jute experts like Mr. Surendra Nath Biswas and labour members like Mr. Sibnath Banerji, but I was defeated. At the second time also I moved for recommittal of the Bill on the same ground. There also I met with the same result. But at the time of considering the Bill the whole House including the European Group opposed the regulation and the clause dealing with regulation in 1940 was accordingly dropped. On another point too, I must say that we succeeded in pressing our viewpoint, to success. Government tried to tax the agriculturists in an indirect way by levying a license fee. Our Opposition amendments were ultimately accepted under pressure and we thank the Government for that.

As I was submitting the other day, nowhere has Government shown so much indecision as when dealing with the problem of jute. We submitted a comprehensive Bill but that was overthrown without any thought over it, but then that very Government under pressure of circumstances had to deal with the problem by means of Ordinances. Then, again, they brought the present Bill last session and withdrew it, and have again brought it now and are going to pass it in a mutilated form. In this form also, I think the sting is there. Under

section 7 they can regulate the crop at any time, but I, with all the strength that I can command, warn the Government not to do so without considering and handling other problems, namely, the fixation of a minimum price of jute and making an arrangement for warehousing and establishing central sale organisation and making provision for other things recommended by the Jute Enquiry Committee. That by mere regulation and restriction of jute its price cannot be forced up is our considered opinion and that is supported also by the opinion of the Jute Enquiry Committee which has recently submitted its Report. In that Report, at pages 71 and 72, it is found "That the value of jute being practically the barometer of our national wealth we feel that Government owe it a duty to the poor cultivators as well as to the entire nation to obtain the best value for jute. But in our opinion Government cannot obtain the same unless the prices of raw jute are controlled by them. The reasons for our opinion are given below :—

(1) The Indian Jute Mills Association who have been controlling the policy of pricing the jute do not look to the interests of the jute growers. We do not accuse them for that, because they are businessmen and as such they must look to their own interests.

(2) Since the beginning of general economic depression, there had been many years while the production of jute crop did not exceed the effective demand for it, but the prices of the fibre have been so depressed that the jute growers could not obtain in many cases even the costs of cultivation while the mills made huge profits.

(3) Even in the year 1938 when the supply was cut by the floods far short of the demand, the prices of jute were kept depressed during the period while the crop was passing out of the hands of the growers.

(4) For a long period during the years of 1937 and 1938, the prices of jute goods and with them the prices of raw jute were kept unduly depressed by the Calcutta mills. They might have reasons for overproduction, competition and the like as their explanation, but the fact was that they could sell their products at higher prices."

I need not quote any more.

Then, again, Sir, there are other dangers too. If we restrict the production of jute in this war time, then it may create a monopoly for the Calcutta Jute Mill owners. The Calcutta Jute Mill owners have their maximum capacity of production I think up to 60 lakhs of bales and if by careful manipulation and by adding a few mills they can increase that power a little and restriction is also enforced they may become monopoly buyers or manufacturers of this national production of ours.

Though Government was pledge-bound by their programme of work to raise the price, they have practically done nothing up to date. The Government have by their conduct disturbed the markets so much so that, had not war broken out the whole thing would have been otherwise than is as at present. Though the Hon'ble Mr. H. S. Suhrawardy expressed some views on this matter in his budget statement, I think, they are not quite correct. The Hon'ble Minister said: "Government can with some degree of pardonable pride claim to have materially assisted the agriculturists in obtaining an adequate price for their jute. The steps taken to stem the decline in jute prices when the new crop came on to the market were effective and the advice given by Government to the jute-growers not to be stampeded by rumours and by market manipulations has borne beneficial results". These few lines remind me of a Bengali proverb: "যদু বাজ মাগো, ফকিরের কেরামতি বাড়লো", the jute price was forced up due to the outbreak of the war and if to anybody any credit is to be given I think it is to Herr Hitler, and not to the present Government. Therefore they have very little to be proud of. The next thing I press before the Government is that instead of undertaking such piecemeal legislative work they should bring in a comprehensive amendment of the present Bill even if it is passed into law, in the next session, on the lines of the recommendations made by the recent Jute Enquiry Committee. Otherwise this Bill will serve the purpose of party propaganda only and will not do any benefit to the agriculturists.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I rise to address the House under a deep sense of disappointment. The Muslim Chamber of Commerce has held the view from 1934, that unless and until the cultivation of jute was restricted in proportion to the world demand of this commodity and the machinery which governs its trade and manufacture were watched carefully and controlled scientifically to check the violent and periodical fluctuations in its prices and the many ups and downs to which it has grown accustomed, the cultivator would not get the economic return to which he is entitled. It was only the other day, when speaking in the general discussion on the Financial Statement, that I had given expression to our feelings of gratitude and gratification at the fact that we of the Muslim Chamber of Commerce had been instrumental in inducing the Government to enunciate a clear and definite policy in regard to jute, its cultivation and manufacture and above all its marketing. I am surprised at the decision taken by the Government to withdraw the Ordinance and mutilate the Bill under discussion so terribly as almost to nullify its own policy initiated so far back as 1932. The reasons given for this sliding down, for this going back on its own declarations, do not appear to be satisfactory. To suggest, as the Hon'ble Member for the Municipalities of the Presidency Division insinuated in his speech, that the

attitude taken up by the Muslim Chamber of Commerce was due to the fact that certain members of that Chamber had sold heavily in the market, is unworthy of the Hon'ble Member. His remarks are quite the reverse of actual facts and I am prepared to assert, with all the emphasis I can command, that his statement has no foundation whatsoever. The recent fluctuations of the market have in no way altered the views held by my Chamber. We have expressed them publicly and placed them before the Government, orally and in writing through more than one deputation. Admitting, Sir, that the record of the acreage under Jute cultivation for 1939, is incorrect and imperfect, I still hold that it is not a sufficient reason to torpedoe the Bill. With the best of precautions we shall never be able to produce perfect records. If the acreages and the estimates of crops published by the Government for years past, have been good enough for the trade, I see no reason why perfection should be insisted upon in the matter of restriction of cultivation. The figures collected by Government for 1939, should have formed a reasonable basis to start work. Discrepancies could have been removed as work progressed. In my opinion indecision, perhaps want of a clear decision, allowed valuable time to be lost. It is this which to my mind, is mainly responsible for the fiasco we see to-day. Ever since August last, when the price of jute came down very low and the Government decided to intervene by promulgating an Ordinance fixing minimum prices for dealings in the jute and hessian futures markets, they were definitely committed, both by implication and by express statements of theirs, to the principle of regulation of production. They could not have been unaware of the fact that the compiling of a complete record to serve as a guide for regulation would require some time. They also could not have been unaware of the fact that any attempt at fixing minimum prices unaccompanied by an attempt at regulation of production was meaningless. In spite of this, possibly because of it, after the issuing of the Minimum Price of Jute Ordinance, which led to a considerable rise in the price of the commodity, they adopted an attitude of self-complacency and did not take the steps which they ought to have taken. For a few months, indecision marked their actions. It was only in January this year that they came to the conclusion that they had to control the production of jute for the next season. The only logical sequence to their attempt to fix a minimum price should have been to set up, immediately, the requisite machinery for compiling a record of jute lands.

However, it is no use crying over spilt milk. The question to be considered now is, what will be the fate of the jute cultivator so far as the 1940 crop is concerned? There being no regulation of production, will the cultivators be left to the merciless play of the laws of supply and demand and to the tender mercies of the powerfully organised jute-consuming interests? The Government cannot be unaware of the fact that, so far as the poor cultivators of jute are concerned, the laws of

supply and demand have only one meaning for them. That is that, as soon as the crop is ready, no matter what the demand for the whole year will be, they are pressed by circumstances to rush a major portion of their produce to the market to be purchased by consumers or middlemen at whatever prices the latter are pleased to dictate. If anybody has any doubts on this question, I will refer him to what happened to the 1938-39 crop. This crop was seriously damaged by floods; and the most liberal estimates placed it at considerably below the estimated consumption. The entire crop was marketed practically at a price of between Rs. 35 and Rs. 40 per bale in Calcutta. It was only after the whole crop had been marketed and a scarcity of ready jute was felt, that prices rose to Rs. 60. Even as regards the 1939 crop, in spite of the fact that the 1939-40 season began with stocks in the hands of consumers at the lowest possible figure, the price of jute was forced down to about Rs. 35 per bale even before the crop was ready, and there is no doubt that the prices would have been brought down still lower but for the timely intervention of the Government. The fact that there was a sharp rise in the price of jute immediately after the declaration of war, and the fact that this rise followed the promulgation of the Ordinance fixing minimum prices in the futures markets, seem to have created a false sense of security in the minds of many people. The Government of Bengal deserve the thanks of the jute-growing community for the bold steps they took in August last. But if they or anybody else is under the impression that it was due to the issuing of the Ordinance that the cultivators were able to sell their jute at good prices, I can assure them that they are sadly mistaken. The action of the Government of Bengal checked, only temporarily, the declining tendency; and, as at the time of the promulgation of the Ordinance the market was in an oversold position, a slightly steadier tendency was imparted to it. I am quite sure that if shortly thereafter the European war had not broken out, a greater strain would have been imposed on the Ordinance, under the pressure of imports from the mofussil. The Government then, would have been called upon to take other measures to enforce the Ordinance.

The question of price structure or the machinery of price fluctuations is a very complicated one. It is difficult for those who are not highly conversant with both the theoretical and the practical side of business, to comprehend the various factors that can be said to be responsible for any variation in price levels at a given time. The mere declaration of war would not have caused the sharp rise that took place in the last quarter of 1939. It was a combination of circumstances that completely reversed the normal procedure of jute marketing. It is a well-known fact that, in the first few months of the season, that is, generally from September to December, the imports of jute from the mofussil are the heaviest; and that, during the course of four months or so, that is to say, August to December, the cultivators generally dispose of about

three-fourths of their production. Whereas, normally, in the first half of the season, the cultivators have to sell a major portion of their production, the normal procedure in the 1939-40 season was reversed inasmuch as the consumers were in a greater hurry to buy than the producers were to sell.

All those who are in the jute trade will be able to tell you that, immediately after the war, a great demand for jute goods sprang up from several sources. Due to the depreciation of sterling and due to the low prices ruling for hessian, the American consumers came out to buy hessian. A very large quantity, estimated at about fifty crores of yards was reported to have been purchased by American users of hessian within the short space of two to three months. Simultaneously, the British Government placed large orders for sand bags. Along with these, soon after the war, there was a general speculative madness. Under the mistaken belief that war meant an era of ever-increasing prices, all and sundry rushed into the market to buy whatever they could lay their hands upon. Fortunately for the jute cultivators, the demand, from these three sources, was simultaneous and not spread over a long period. The result was that, within the first three months of the declaration of war, due to the continued and concentrated demand for jute goods, the jute mills made sales of their entire output for the next few months. The mills could not make sales of jute goods for forward deliveries without corresponding purchases of raw jute. The result was that, instead of the cultivators being anxious to dispose of their jute, as I have just stated, it was the buyers who rushed into the market to get whatever jute they could. It is certain that they would not have been forced to do so had the demand from various sources been spread over a longer period and followed one after the other. In spite of this, the jute mills tried to check the rise by concerted action. But as the Chairman of the Jute Mills Association has said in his speech, so great was the eagerness to buy that the Gentlemen's Agreement, that they entered into, could not be maintained. It was only due to these abnormal causes beyond the control of buyers, that the cultivators were lucky enough to get what they have got.

Many people who are not acquainted with trade seem to be under the impression that, so long as the war lasts, high prices for jute will prevail. I can assure them that this impression is entirely wrong. When people look into the figures for sand bag orders, they are staggered by their number. But it should not be forgotten that, in spite of these seemingly large orders, the total consumption of jute in 1939-40 will be about 10 million bales which is not abnormal. Hitler alone is not responsible for existing conditions. If we have sold some war bags, we have, at the same time, lost some markets, such as Germany and Russia while the demand from neutrals has also decreased.

In my opinion, the total consumption of jute for the 1940-41 season cannot much exceed the normal world demand of ten million bales.

The Indian jute mills at present are working at the rate of sixty hours per week. But, in spite of large buying by America and the large sand bag orders, it seems certain that the total production of Indian mills is in excess of the world demand. There is already a talk of the mills being forced to reduce their production. The British Government have extended the delivery time of the last order for sand bags. It will, therefore, not be reasonable to estimate the requirements of the Indian jute mills at a figure higher than what it will be in the present year. Their consumption for the current season is expected to be about 72 lakhs of bales provided they continue to work at the rate of sixty hours per week. The export of jute is estimated to be about 25 to 28 lakhs of bales.

As regards production of jute, it is generally believed that due to the high prices realised this year, sowings will be extraordinarily large. It may be pointed out that, in the past, high prices in a season have been always followed by large crops. The 1925-26 season, during which the prices of jute rose up to Rs. 140 per bale, was followed by the huge production of about 130 lakhs of bales. I will not be surprised if the sowings this year are equal to those of 1926-27. If so, what will be the fate of jute? What is there to prevent it from touching the low level touched in August last or even lower?

No one has the right to expect the mills to oblige the cultivators by buying at high prices the huge surplus that is likely to be there. No one, be he European or Indian, Hindu or Muslim, can run his business on philanthropic lines. If he does so, he will be quickly forced out of it. It should be the policy of the Government to see that every section of the people of Bengal, which has anything to do with jute, the cultivator, the middleman, the manufacturer and the buyers here and in foreign lands, gets a fair and square deal. A balancing between the supply and the demand should be the aim of such a policy. The millowners should not be allowed to replenish stocks for their requirements beyond, say, six months and the cultivators should, so far as possible, not grow more than what the world wants.

I can prophesy, Sir, that Hon'ble Members who have forced the hands of the Government and torpedoed the scheme of the Bill, have done the cultivator a great injury. If advantage is not taken of the golden opportunity which has presented itself to us in 1939, we shall not be able to carry out any scheme for the amelioration of the cultivator, for a number of years to come. We may not have to wait long for the catastrophe. I do hope the so-called champions of the cultivators to-day will not rush back to the Government in August and appeal to it for fixing the price in a hurry, to issue ordinances, to go to Bihar and Assam, and to do this, that and the other. They will try to move heaven and earth when they find that prices have gone down to Rs. 35 or even Rs. 30. I am, as I began, Sir, terribly disappointed at the weakness shown by the Government. (Here the member reached his

time-limit and was allowed to finish the sentence.) The Government should have gone forward with the policy initiated in 1933. At first it was voluntary restriction; a Commissioner was appointed and large sums were spent for several years on propaganda. Records were prepared and restriction up to 5 annas in the rupee was actually suggested. These records, going over a number of years, may not have been perfect. No human work or institution can attain perfection. A beginning should have been made even with imperfect records. Better late than never is the only consolation I can look forward to unless the elements come to our assistance. I hope we shall not have to face a crisis in August, 1940.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, we from the Congress Benches have been urging for the enactment of measures which will ameliorate the condition of the jute growers. Everybody is aware of that and, Mr. Speaker, may I refer to the attempt made by Deshabandhu Chittaranjan Das to organise a company with a capital of Rs. 10 crores in order to finance the poor jute growers who for want of their financial strength cannot hold on and are compelled to dispose of jute at the cheapest market.

Sir, we have been pressing for steps to be taken so that in the interest of the jute growers and in the interest of this province we may utilise this monopoly crop of jute. But our demands have gone in vain till at last we have now before us a measure—the first measure—for the regulation of jute production. This Bill will regulate the supply and adjust it to the demands. So long we know Government have spent a large sum of money in publishing forecasts of jute production, preliminary and final, which has only benefited the consumers who, through Government agency have been able to gather beforehand what the supply is going to be. But it has been always a matter of regret that the poor jute growers have never been acquainted as to the actual amount of demand that there may be of their goods. They have never been instructed as to when they should hold on and how they should try to get the proper price. In this Bill a beginning will be made for the purpose of regulating the production. The Advisory Committee, if it properly functions in the interest of jute growers, will also collect materials for acquainting the jute growers with the likely demand. But I have to state before this House that this registration which was made during the last year has been unsatisfactory and the Government should realise from the different groups in this House that the hurried registration has not been a satisfactory thing. I think the cheaper, more economic and better course would have been to obtain figures through the union boards where growers and cultivators should have put in a record of areas grown with jute and then that should have been checked. Instead of that, at an enormously heavy cost, men who were strangers to the locality had to go and make a hurried record which was full of mistakes and at times those records were influenced by

many other considerations than regard for truth. At any rate, now that the Government has given up for 1940 the restriction in accordance with that record, the defects will not work against the interest of the jute growers; but then, Sir, I find that the Hon'ble Minister has not been able to accept the amendment moved regarding the destruction of crops. I should have thought particularly this year and during the time the war will continue that there would not be any difficulty on the score of over-growing of jute; and if the alternative suggestion that was given from this side of the House regarding destruction or forfeiture had been accepted, the Government would have been able to benefit not only the jute growers but also the consumers at least during the time when the war would continue.

Sir, this is a piecemeal measure, as has already been pointed out, and unless this is accompanied by some measure to ensure regulated markets for warehousing and financing, the object of the Bill will be defeated. I, therefore, urge upon the Government that they should try and bring forward the connected measures which are necessary to make this Bill a successful measure.

The Government will have to negotiate with the neighbouring province where jute is grown in order to see that 25 per cent. of the production of the other province does not in any way hamper the interest of this province.

I would in conclusion appeal to the jute mill owners also. Let them not think that we are always against the interest of the jute mill owners and those who advocate their interest. After all if there is any feeling against the jute mill owners it is on account of the unequal distribution of wealth in the past in this industry. If they were considerate enough to distribute by way of wages as much as their profit would justify, they would not have found this kind of opposition. Government should have taken full opportunity of utilising this monopoly crop both in the interest of the development of mill industry as also in the interest of the amelioration of the hard lot of the cultivators.....(Here the member reached his time-limit and was allowed one minute.)

There is only another matter to which I would draw the pointed attention of the House. We all heard very bad rumours of the speculative transactions that have taken place—and I do not want specifically to refer the name of anybody or to make any insinuation, but I am sure the Treasury Benches cannot be absolved from the responsibility of making the market uncertain to the detriment both of the consumers and the growers of jute. I hope in future there will be no cause for complaint on that score.

Maulvi MUHAMMAD ISRAIL: Mr. Speaker, Sir, on Friday last when I spoke something on amendment Nos. 180-186, a misunderstanding arose. Some members opposite me pointed out that I was

not in favour of the deletion of the imposition of licence fee. The House will remember that in the note of dissent that I appended to the Select Committee Report I made it perfectly clear that I was against the imposition of licence fee and the reason that I gave was that this Government recover 2 crores 30 lakhs of rupees in the form of export duty and also some 13 lakhs of rupees is realised as jute cess and it goes to the pocket of the Improvement Trust. On these two particular grounds I opposed the licence fee. Because the motion was already moved by my friend Mr. Dhirendra Nath Datta I had no occasion to move my own motion though I urged for moving that particular motion repeatedly. The Coalition Party decided in their meeting that the licence fee should not be imposed and according to that decision I was empowered to move that particular motion. So it does not lie in the mouth of the Opposition members to say that it was due to the pressure of the Opposition that Government accepted that particular motion. It was amply demonstrated in this House that they have been moving motion after motion, but up till now they have not been able to get any motion accepted by the House unless the Coalition Party itself agreed to that particular motion.

Now, let me come to the merit of this particular Bill. My friend on the opposite has pointed out that the Government should have brought a comprehensive Bill. I would welcome such a measure. But though this particular measure is a very simple one still the Government had to withdraw the ordinance that had already been passed and even now though they have decided to restrict the crop of 1940 every group of the House oppose it on the ground that the record has not been prepared correctly.

Now this step has also been recommended by the Jute Enquiry Committee, but to give effect to all those recommendations simultaneously will involve the Government in very big issues. So, in taking a comprehensive measure, this particular measure would have been delayed by a year or two and it would have spelt a great disaster for the cultivators. So I congratulate the Government for the step they have taken.

Now, I beg to offer to the Government some suggestions so far as the restriction of crop in 1940 is concerned. I would advise Government that the record in 1940 should be prepared when the jute is standing on the land, so that there may not be any incorrect recording. Moreover objection has been taken on the ground that the people did not get forms for filing objections under section 4(2) and Government should now see that forms are available when objections are to be filed. There was another reason for which objection was taken; the prescription of one anna court fee on the objection petition, but Government has been well-advised not to impose that particular fee. Government has agreed that no fee should be required in filing objections in future preparation of records. So the people shall not have that

difficulty in filing objections next year. There is also a complaint that many areas have been left out. I personally know that there were people who actually got their lands doubly and trebly recorded by offering money or other gratifications. So Government should see that in future years these things may not happen.

There is another thing. The Jute Enquiry Committee recommended that there are particular areas where nothing but jute is actually grown, and the Bill provides in section 3(1A) that in those areas where nothing but jute can be grown special kind of records should be prepared for those lands and objections should be filed under section 4(2). By this provision the cultivator will be able to get his land recorded where nothing but jute is grown and no difficulty will be felt by him in getting his land recorded.

There is another provision in this Bill—section 8(1A). Difficulty was felt in the villages that the people generally grew jute in different plots in different areas, so to make provision for that the Bill provides in section 8(1A) that even if the people want to grow jute by rotation they can do it under section 8(1A).

There is another point. So far as the prosecution is concerned provision has been made that no prosecution should be instituted without the previous sanction of the Subdivisional Officer and I would ask the Government to instruct their officers that in future before any complaint is made or any proceeding is taken up they should instruct that the Subdivisional Officer should satisfy himself that this power is not abused.

So far as the jute committees are concerned, Government has accepted the policy of nomination on the ground that election will be dilatory as well as expensive. We ourselves have agreed that no licence fee should be paid. In case of election electoral rolls are to be prepared, time should be given for their revision and moreover a date should be fixed for holding the election. So to avoid all these complications, Government have accepted nomination system. But I shall warn the Government that in making nominations they should try and see that only disinterested persons and those who have no axe to grind should be nominated and strict supervision should be kept over those persons so that they may not take advantage of the position in which they are kept.

There is another provision for the constitution of an advisory board. The Select Committee reported that the number should be 9. Government have accepted that the number should be 11. I would advise the Government that so far as the personnel of this Board is concerned Government should take care that the best men are selected and their duties and functions are well-defined and Government should issue notifications much ahead of the year of the quota that will be fixed by the Government.

There is another clause 6A which has been provided for in this Bill by which Government has taken power to make investigations into the mills to know about the available stock. This has been necessary due to the fact that when the Jute Enquiry Committee sat the jute mill-owners did not supply information though they were repeatedly asked to do so.

I think that Government should take early steps so that the crop may be restricted in 1941. They should start taking steps just now so that they may take action in the next year.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, in rising to speak upon this Bill in this third reading, I do not propose to enter into petty controversial questions. But, Sir, the note of condolence so pathetically struck by the honourable member of the Muslim Chamber of Commerce, whom I find absent now, reminds me with natural pride of September, 1937. Sir, in the year 1937 at the first budget session of this House, various cut motions were tabled on behalf of the Opposition in the matter of fixation of minimum price of jute. On that occasion, Sir, our arguments, our facts and figures were twisted, and the honourable members supporting the Coalition Government at that time did not rise up to support us. But it must be said to the credit of the responsible Government that the pressure which was brought to bear upon the Government by the intelligent and insistent propaganda of the Opposition did not go in vain, and although on that specific issue Government went to the lobby defeating us in motion after motion, still wisdom prevailed upon the Government and at long last they had to apply their minds to this question and come to a solution which would meet with the demands of the Opposition, consistent with the welfare of the masses.

Sir, to-day Mr. Abdur Rahman Siddiqi complains that he is disappointed at the piece-meal measure of the Bill. Well, he has only expressed in a pathetic language the views of the Opposition which were expressed in such strong language. Sir, we have welcomed this measure in so far as it goes, but we have always made it clear that this measure would be of no avail unless it is broad-based upon the fundamental question of fixation of minimum price. To-day you can regulate; to-morrow you can restrict; but you cannot give the desired end to the masses—the vast number of jute agriculturists, unless you stand upon the question of how much money they are going to get in return. Looking at the matter with the natural pride of the Opposition, I would only humbly advise the Hon'ble Minister in charge of the department to look at the whole question from a comprehensive angle of vision. The adoption of a Jute Bill, when it is passed into law,

will not merely be an isolated attack in respect of an isolated problem. It will be a big step towards the great nationalization of the question of agriculture, at least so far as this money crop is concerned.

As has been pointed out, Sir, by speaker after speaker, marketing is the main question. It is a very important question, and all these things cannot be grappled by mere arguments on this side and arguments on that side. Government must come forward with money and plans in order to ensure proper marketing and proper method of arrangement, and for this purpose, Sir, the vast Co-operative Department will have proper utility in this direction. The co-operative movement was conceived in a spirit of great utility, but we know that on account of the lack of comprehensive plans conceived in a spirit of nationalism this department has more been a failure than a success which it ought to have been. I notice, Sir, that the Hon'ble Minister is nodding his head. (Laughter.) I do not know whether he is in an appreciate mood or in a mood other than that. But I can assure him that if he looks at this measure from this point of view, he will find that the question of marketing and warehousing gives avenues of tremendous departmental work to the great benefit of the vast millions in the countryside.

Then, Sir, I would like to draw the attention of the Hon'ble Minister in charge of the Bill to the fact that in the matter of union committee there has been a good deal of difference of opinion and he did not accept the opinion of the Opposition in the matter of constitution of the committee. I would give him a *via media*. Let him nominate the committee as he is proposing to do, but let him take the existing union boards, because union boards can be reconstituted within the meaning of this Act even by nomination. I make this suggestion, because the union boards are composed at least of several elected members, and these elected members are responsible to public opinion. So, we fear that nominated union committees composed of persons who are not responsible to the people at large will be only a tyrannical autonomous body which might do as much harm as good to the people. Therefore, I would request the Hon'ble Minister in charge to take up my suggestion and consider whether he can or cannot constitute union boards into union committees by a process of nomination, because after all they are the elected members of the people and they will see election term after term and therefore they will not do great injustice to their own men.

Then, Sir, there is the question of a substitute crop. This matter has not been considered and discussed at all. The question of regulation and restriction of jute cannot be effective, unless you give to the agriculturists a suitable substitute for this money crop. There is, for instance, sugarcane. You will remember, Sir, that in the December session I discussed this matter on the basis of a short-notice question and I even went to the length of tabling an adjournment motion. At

that time the Hon'ble Mr. Tamizuddin gave kind attention to this question, and he wrote to several sugar mills with a view to getting increased prices. Bihar has done it, but Bengal has not yet done it. You know, Sir, that after the war the price of sugar went up very much, and the recent export tax which is going to be levied upon sugar by the Central Assembly will give sugar a higher price. So, the agriculturists must be persuaded to grow more sugarcane so that it may fetch better prices, and if the legislature takes up the question of getting increased prices for sugarcane, then restriction and possibly regulation of jute will be effected by an automatic process. In this connection I would appeal to the Hon'ble Minister to consider the question of persuading the agriculturists by bulletins and by other propaganda so that they may also take to sugarcane cultivation. After all, India is going to be self-dependent upon the question of the principal commodities of life, and the price of sugar is now going up in the market. Mills after mills have already sprung up, and other mills are likely to come up in the near future.

There is an alternative money crop, namely, cotton, and it is up to Government to handle the question not merely as an academic matter but as a question to which they can in the near future give a practical shape. So, I appeal to the Hon'ble Minister to consider this question and to come up with measures either at the next session of the Assembly or earlier if possible in order to ensure minimum price for sugarcane at least, so that this Bill will not only prove to be a wholly beneficent measure in giving relief to the people but it will also be accompanied by other simultaneous projects of a similar nature driving to a similar end. I hope the Hon'ble Minister will consider it in a proper spirit and take the suggestion that has come from the Opposition. Let not the Hon'ble Minister stand on any formality. I do not stand on any formality. I have already expressed my natural pride on behalf of the Opposition that the seeds have been sown—the seeds of ideas that we gave them in the year 1937 and which have now matured, and the Government have shown wisdom in accepting the ideas of the Opposition in the matter of dealing with the question of jute. (A Coalition party member: Question!) What question please? It is a matter of record. If my honourable friend on the other side will kindly look at the pages of the Assembly proceedings, he will find that what I am saying is correct. Honourable members on that side may question; they may question my speech but they cannot question the facts; they cannot question the truth that is there in the Assembly proceedings. We take legitimate pride that we have forced Government in adopting a measure which is ours. (Cries of "Oh! Oh! from the Coalition Party.) Our complete picture has not been taken by the Government, because Government's imagination is not so wide as the imagination of the Opposition, but I say this not in a vain spirit—let the Ministry have all the resources of the Treasury Bench, let them have the votes of the Coalition Party, but let them have ideas from the Opposition.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, I shall be very brief. I do not want to go into the clauses of this Bill, because they have been thoroughly exposed by the various speakers. I would take this opportunity of offering only a little advice to the Government, and I would also offer my condolence to them for the vacillating way in which they have proceeded with this Bill, how they were forced to bring this Bill before the House is a matter on which we can only offer the Government our condolence. There was a jute Bill long before this Assembly was formed. In a previous House Dr. Naresh Chandra Sen Gupta had proposed a similar Bill but Government did not at that time accept it. Then in the first session of this House our colleague Mr. Surendra Nath Biswas brought in a new Bill and several other members of the Krishak Praja Party did so, but they were all rejected. We told the Government very frankly at the time that we were not at all anxious to have our name associated with this Bill but were quite prepared to let the Government amend or alter our Bills, but let them do something about this matter of jute, but, Sir, this was not done, and ultimately when it was done it was done in such a way that it defeated the whole purpose of the Bill. Perhaps the Hon'ble Mr. Tamizuddin Khan might congratulate himself or rather take pride in the fact that he was not in the Government at that time, but his boss, the Premier, the Hon'ble Mr. A. K. Fazlul Huq, was no doubt there, who made a very brave show the other day, namely, that he would like to consult the whole House, with the result that the whole House condemned the provision about regulation for this year 1940, and if on every occasion he would allow his followers to speak out their minds I am sure that in ninety-nine cases out of one hundred his followers would support the other section of the House, and not him, which they are forced to do by reason of the iron chain of Coalition.

Sir, I would only offer one or two suggestions. I am not going to speak about the nationalisation of the jute industry, but I would certainly insist that the suggestions made by so many different bodies including the Muslim Chamber of Commerce, and the Jute Mills Association, that the Fatka market should be controlled, should be accepted. I would go further and say that it should be absolutely abolished. There is no sense in having a Fatka market, going on. Sir, I was talking about anarchy the other day, the Fatka market is another anarchy. If there is to be selling in shares of course that is legitimate. But here no shares are sold in the Fatka market. If Government would insist that 25 per cent. of the price of the shares should be deposited before a man is allowed to buy shares I think the Fatka market could be controlled and the amount of gambling that goes on there cannot go on without detriment to the interests of Bengal. And our recommendations in this respect have already

been placed before the House. I am not talking of my recommendations in this connection. I am just reminded by my friend Mr. Biswas that I was talking of bodies for whose recommendations Government do care, for our recommendations in their opinion are always likely to be wrong. But the recommendations of the Muslim Chamber of Commerce—this so-called Muslim Ministry has no reason to doubt that there is anything wrong in them, especially the recommendations of the Europeans who are the real bosses of this House, certainly the Government even if they do not agree with them are forced to accept, as they have been forced to accept in the matter of the regulation of jute. I do not want to take pride, Sir, that our opposition to the regulation was accepted by the Hon'ble Premier or by the Hon'ble Mr. Tamizuddin Khan. But I must admit with shame that because the European group objected to this measure, therefore Government felt bound to accept it. But we on this side of the House feel very little pride in this matter. But, Sir, when suggestions about the Fatka market have come from the European group and the Coalition Party then I think Government should seriously consider this matter and the other measures advocated by the Jute Enquiry Committee which was appointed by this Government having a 75 per cent. majority of the Coalition members. We were only a few sprinkling of the Congress and Proja Party members in that committee, but still such was the logic of facts that the Coalition members accepted those suggestions or in most cases as it happens and as it was shown the other day in this very House they spontaneously spoke out their minds and we found that they agreed with us, but only when they vote in this House we find that they speak out a different mind which is dictated mostly by the European Association. One point has been made by the member from the Muslim Chamber of Commerce that we could have well gone forward with these imperfect records. Sir, we do agree with this suggestion. We could have agreed if he had said that we could go on with these imperfect records but at the same time we should try to perfect them. There is still time to perfect these records and go forward with regulation or restriction but those suggestions which were made for the Coalition group by the Chief Whip were subsequently withdrawn. He was forced to withdraw the suggestion of extending the date by 21 days, so that the imperfect records could be corrected, but those suggestions did not appeal to the Hon'ble Minister, the Premier made a brave show here saying that he wanted to hear all sides of the House and because the European group opposed regulation they dropped that clause like a hot potato. If the Government had determination they could really have corrected the records and gone forward with the regulation. But they did not do so and it is not our fault that they did not take the records in proper time. I want to go further. In 1917, a Bill was put forward and last year

we were demanding every minute, every day, that records should be taken, but that was not done. As a matter of fact everything regarding jute has been done by means of Ordinance—Ordinances which Government dared not introduce in this House. Every time some excuse or other was made, assurances were given, but, Sir, all of them were broken. Then, Sir, lastly an assurance was given that an opportunity would be given to discuss the Ordinance but that opportunity did not come. Only once we got an opportunity of discussing it on one day, but that was not conclusive; no opinion was taken, that is the position. So if records had been taken as suggested by us when the crops were standing, there would have been no difficulty and the Hon'ble Minister would not find himself in the sorry position in which he finds himself to-day. With these observations and with this request that they should not sit idle from now or lapse into inertia from which they have been whipped up into action, let them even now, as was suggested in my amendment, start immediately to get correct facts for 1940, so that there will be no difficulty later when the question of regulation or restriction or extending the area would come. They can also do other things, namely, ware-housing, regulation of the market, abolition of Fatka market, and also the starting of co-operative sale societies which was dropped almost ten years back, also because the European jute interest did not like it. They were afraid of those attempts, and therefore they could not succeed. Now, the Government has ample time in their hands, let them take the opposition into their confidence; they need not accept all our suggestions, they need not publicly admit that they are accepting our suggestions. We shall be quite happy and satisfied if our ideas are given effect to at least partially.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I must first of all express the gratitude of this side of the House to you, Sir, for the way in which you have granted every facility for the quick passage of the Bill. I am also grateful to those members of the House who have made constructive suggestions and have tried to help Government in coming to right conclusions. While this Bill is going to be passed by this House, at a happy moment like this, I do not like to enter into an acrimonious discussion although the remarks made by my friend Mr. Sibnath Banerjee would rather provoke me to do so. I shall refrain from making any acrimonious remarks. I do not like to stand in the way of those of my friends opposite who think that it is on account of their attitude that the Jute Ordinance has been given up as well as the proposal of a fee on jute growers for granting licences. They may indulge in as much self-satisfaction as they like. But, Sir, it should be made clear that my friend Mr. Abu Hossain Sarkar and also Mr. Sibnath Banerjee have on many an occasion in the past dashed their heads in vain against the solid rock

of the Coalition Party. The decision to withdraw the Ordinance and to accept the proposal for not providing for any fee has not been on account of what my friends opposite said but on account of the fact that the Coalition Party, the Party that really counts, the Party that is the master of the situation, were in favour of these proposals. So far as the withdrawal of the proposal to regulate the crop of the current year is concerned, Government have acceded to it with a heavy heart and also with a good deal of trepidation of heart, because on account of the proposal to regulate the current year's crop having been given up, the apprehension is that the next year's crop will be very much in excess of the probable demand and if that apprehension comes to be true, prices will fall very low. Therefore, those of my hon'ble friends who have put pressure on Government to withdraw the proposal have taken a very heavy responsibility on their shoulders. I admit that the record that was prepared under circumstances already described was not perfect and could not be perfect. There are mistakes here and there, but my hon'ble friends who are opposed to the regulation of this year's crop have looked at the question from individual viewpoints and not from the wide viewpoint of the whole country and the interests of the jute growers in general. I would say that in spite of the passage of this measure in future also unless they take a more reasonable attitude, Government will again be placed in a difficult position when the question of regulating the crop comes up in the future. I apprehend, Sir, that whatever care and caution may be applied in the preparation of the record, mistakes here and there will crop up in all circumstances. (Dr. NALINAKSHA SANYAL: Why?) My friend Dr. Sanyal asks why. I shall give him an answer which will satisfy him.

Mr. M. SHAMSUDDIN AHMED: Sir, may I ask the Hon'ble Minister——

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not going to give way to the hon'ble member. Sir, Dr. Sanyal asks why should this record be at all incorrect? Dr. Sanyal, I hope, knows about the settlement operations that have taken place in the province. In spite of all the care and caution taken and in spite of the fact that several years were taken in the preparation of records for a single district, there are mistakes here and there. Now, Sir, in the preparation of the jute record for the entire province of Bengal, the whole thing has to be done at best within a period of three or four months while the jute is on the land. Therefore I apprehend that even in future there will be mistakes. But, I say, Sir, that in spite of those mistakes, jute can be regulated and should be regulated and the only appeal that I make to my hon'ble friends is that in future I hope they will kindly co-operate with the Government in the regulation of the crop and not bring forward any obstructive tactics.

Then, Sir, as regards the question of the fee, there also my hon'ble friend Mr. Abu Hossain Sarkar must know that the Coalition Party was not in favour of that proposal and Government have accepted their view. My hon'ble friend Mr. Siddiqi said that in withdrawing the proposal for the regulation of the crop of 1940, Government have shown some weakness. I would submit that from another point of view my hon'ble friend Mr. Siddiqi might hold that Government have shown considerable strength in coming to that conclusion because Government have retraced their steps from their accepted policy of the regulation of crop for 1940. Any person who looks at the question not deeply and who has not bestowed thought upon it and who looks only at the surface of the thing may suppose that the Government have shown weakness but this is a popular Government and if members of all sections of the House wish that a particular course of action should be taken, I think it is incumbent on the Government to take that action. My friend Mr. Abu Hossain Sarkar has said that this measure will be of no value whatsoever, unless Government also fix a minimum price along with the regulation or restriction of jute. I would submit that so far as the coming crop is concerned Mr. Abu Hossain Sarkar and those who think like him have almost given up the case for fixing a minimum price because they have been responsible for inducing Government, to give up the proposal for regulating the crop. I think, Sir, that whatever other proposals there may be, whatever other problems there may be in connection with jute, the most important problem is that of regulation. Unless an attempt is made to adjust production to the probable demand the proposal for a warehousing scheme or for the fixation of a minimum price will be of no avail whatsoever. If there is overproduction, how can you control the market by simply declaring on paper that a minimum price is fixed and by providing warehousing facilities. Regulation of production is the basic thing for solving the problem of jute. Unless you can regulate the supply to the demand, all other proposals will be absolutely futile. Therefore, I think that to-day those of my hon'ble friends who are giving support to this Bill may congratulate themselves that they have solved the most important of all the jute problems connected with jute, namely the question of regulating the production of jute. Before I conclude I am tempted to make an appeal to members of the European group who represent the mill-owners. I do not agree with Mr. Abu Hossain Sarkar that the interests of the mill-owners and those of the cultivators are always antagonistic to one another. The mill-owners perform a very important function and without the mill-owners, whether they are Englishmen (Mr. JOGESH CHANDRA GUPTA: Most of them are Scotchmen) or whether they are Indians my friends opposite can easily see that serious difficulties will arise in the distribution of that important commodity. But if my friends representing the mill-owners' interests do not reconsider the situation in

the light of the circumstances that now prevail in the country and if they go on in their old way of making large profits while the cultivators get almost nothing for their crop, I think that it will be the mill-owners who will be the greatest sufferers in the long run. (Maulvi Abu Hossain Sarkar was interrupting the Hon'ble Minister constantly whilst being seated.)

Mr. SPEAKER: I am very sorry, Mr. Abu Hossain Sarkar. If you want to interrupt the proceedings in this way, this is not the place where you are to do. I am very sorry to say that I have been noticing that for the last few minutes. I hope that you will not interrupt any more.

The Hon'ble Mr. TAMIZUDDIN KHAN: In the past, the mill-owners had been making enormous profits while the cultivators could hardly get what would even cover their cost of production. That state of things must undergo a change. As long as the mill-owners make a reasonable profit, they will get the support and co-operation of all reasonable people in Bengal. I, therefore, think that in the coming season, if there is overproduction, they will not take undue advantage of the situation and that they will co-operate with the Government in whatever measures Government take to give a reasonable and proper price to the cultivators. The situation may become very critical during the coming season, but I would like to say this that Government, in spite of the unfortunate situation that has arisen on account of the Ordinance having been withdrawn, will watch the situation with keen interest and will not fail to take whatever feasible and reasonable steps may have to be taken under these distressing circumstances, and, I hope, Sir, that if the whole House and particularly if those who represent the manufacturers' interests do not stand in the way, God willing, we shall be able to give a proper price to the cultivator for his jute in the coming season also.

Mr. SPEAKER: Before I put the question with regard to third reading of the Bill, I may say that a little verbal change is necessary in clause 2. The House will remember that at the beginning of clause 2A as passed by the Assembly the following sentence occurs: "In this Act unless there is anything repugnant in the subject or context". But in clause 2 this sentence is already there, so it is unnecessary. Although we have power to make this verbal change ourselves I mention to the House about this change.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Jute Regulation Bill, 1939, as settled in the Assembly, be passed, was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, as you are going to sit longer to-night, we submit to you that you will kindly allow us to sit for a longer time during the voting of demands also so that we may have more motions taken up during those days. If you to-day——

Mr. SPEAKER: I do not want to sit longer. If the House does not want to sit longer, I am ready to adjourn the House at 8 o'clock. I am absolutely at your disposal.

Dr. NALINAKSHA SANYAL: Sir, we are prepared to sit longer provided we are also given similar opportunities during the voting of demands.

Mr. SPEAKER: I cannot guarantee that. I cannot compel the House to sit from day to day for a longer period. The House must decide whether or not this is an exceptional occasion in which to sit late.

Mr. ABDUL WAHAB KHAN: Sir, we are prepared to sit longer to-night.

Dr. NALINAKSHA SANYAL: Sir, the power of extending the time of sitting is entirely yours and it does not lie in the majority party. Otherwise, every time we would like to sit longer, the Government party might shorten the debate.

Mr. SPEAKER: Yes, I know it is within my powers. Dr. Sanyal, do not misunderstand me. I do not deny my power. I say that the Money-lenders Bill has to be settled now in view of the fact that we would be engaged with the Budget for the next three weeks and it lies entirely with the House to decide whether this should not be treated as a special case. Now, Dr. Sanyal, what you are not considering as an exceptional case, I doubt whether your own party members will accept that as such. As a matter of fact, I might say that there is another matter which, I may tell the House, they are anxious to settle, that is, the Non-Agricultural Tenancy Bill.

Dr. NALINAKSHA SANYAL: Then, you are not going to take any time for these Bills from the time allotted for the Budget discussions.

Mr. SPEAKER: We have got no time. So, it might be possible to make an adjustment in order to sit on a particular date. Any way. Nawab Sahib, you move your motion.

The Bengal Money-lenders Bill, 1939, as passed with amendments by the Bengal Legislative Council.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move that the amendments made by the Bengal Legislative Council to the Bengal Money-lenders Bill, 1939, be taken into consideration.

I do not like to make any speech at this late hour of the day. I hope that the amendments made by the other House will be accepted by the House.

The motion that the amendments made by the Bengal Legislative Council to the Bengal Money-lenders Bill, 1939, be taken into consideration, was then put and agreed to.

Mr. JOGESH CHANDRA GUPTA: As regards further discussion, Sir, may I suggest, and I know the Hon'ble Minister-in-charge will readily agree to it, that this Bill may be taken up some day after dinner which is to be provided by the Hon'ble Minister and we can then finish it (laughter). I do not think the Hon'ble Minister will disagree (voices: "No", "No"). It is 10 minutes to 8 and it is not possible to finish the Bill within 8-30.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not think any reply is necessary. We may continue the discussion and I do not think, it will take a very long time. I hope, it will be finished by 8-30.

Mr. JOGESH CHANDRA GUPTA: But I think the alternative proposal that we should one day sit after dinner is very acceptable to all groups.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I think we should go on and let us see what progress we can make.

Mr. SPEAKER: I think the best suggestion which I can make—I do not know whether it will be accepted by the House or not—is that all the amendments may be moved together because after all we have got the entire construction of the Bill. So all the amendments may be moved first, then there will be discussion and amendments will then be put one after another because one is related to the other.

Rai HARENDRA NATH CHAUDHURI: Sir, how can that be? The amendments relate to very different clauses.

Mr. SPEAKER: Then I will take up clause by clause.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 2(*13*) (*h*) be omitted.

Sir, this new clause introduced by the Council should be deleted. In this new clause——

Mr. SPEAKER: Dr. Sanyal, you had better move all your amendments together.

Dr. NALINAKSHA SANYAL: They are entirely on different grounds and relate to different subjects.

Mr. SPEAKER: But so far as clause 2 is concerned you can take all together.

Dr. NALINAKSHA SANYAL: But, Sir, although the clause is the same the subject is quite different, and there cannot be one reply. They relate to different subjects and I want different replies. Clause (*h*) relates to exclusion of certain loans advanced by the Administrator-General and Official Trustee of Bengal, or the Commissioner of Wakfs. The arguments are quite different from the second one relating to clause (*i*), namely, loans or debentures in respect of which dealings are listed on any stock exchange, and if the Hon'ble Minister is to reply comprehensively and apply the same arguments to both, I am afraid it will be doing injustice to him as well as to me.

Sir, I have moved that clause 2 (*13*) (*h*) be omitted. My arguments are very simple. In the very beginning when this Bill was thoroughly being discussed in this House, we on this side made it perfectly clear that a measure of this character should not be in any way jeopardised by too many excluding provisions. We had made attempts over and over again to see that all classes of money-lenders be comprehensively covered by this Bill and we also tried to make it clear that institutions of credit or persons advancing loans might not be differentially treated. We were also clear enough to indicate that certain class or certain kind of advancement of money only might be treated specially. But so far as the source, from which this money may be coming, is concerned, there must not be any distinction made at all. This new sub-clause (*h*) proposes to exclude from the purview of this Bill the Administrator-General and the Official Trustee of Bengal or the Commissioner of Wakfs or the Official Assignee or the Official Receiver of the High Court in Calcutta. The net effect of it is, as an esteemed colleague of ours in this House before he left funnily remarked, "while I am alive I am not in a position to utilise my money to obtain certain return, but if I am dead there is nobody

to prevent my successors to obtain better return, because in that case my property will be, if I so choose, left to the hands of the Official Assignee or the Administrator-General. He will be free to levy as much interest or to exact any kind of levy which is prohibited by this Bill in a manner as he chooses". Similarly, when a person, be he a business-man or be he connected with any company, advances money for whatever purposes it may be, he will be controlled by the provisions of this Act. But if he happens to be an insolvent or the company is under liquidation and the property has got to be administered by an Official Receiver of the High Court, then there will be no control at all. And fortunately for some members of a particular community it has also been provided that the Commissioner of Wakfs will be excluded from the operation of this measure. I do not understand how on earth members of the Coalition Party who were at one stage very insistent to see that money-lending business in Bengal of all classes and of all complexions should be controlled could agree to a provision of this character which purports to nullify the very objective of this Bill. If the Commissioner of Wakfs is excluded I do not know why managers of Debottar Estates of certain members of the Hindu community should not be excluded also. In that event,—as you might be aware, Sir, there are Debottar Estates from which big landholders enjoy large income,—they might also have pretty big amount of money-lending business with the help of Debottar money. There would be nothing to prevent them from evading this Law. If you want to have this kind of arrangement in favour of a particular group or groups which we on this side strongly oppose, it would be leading to a most anomalous position.

Sir, as the amended clause stands, if to-day I am made a Commissioner of Wakfs and I am entrusted with the administration of certain Wakf estate, the money of that Wakf estate can be administered by me freely and I can raise any amount of interest thereon and can nullify the objectives of the Bill. Is that really fair and is that what has been intended by the sponsors of this legislation who have been so very anxious to see that there may be no abuse of the provisions of the Bill? I am not stating these things with any spirit of discrimination. I do not complain about discrimination against the Hindus and in favour of the Muhammadans. As a matter of fact there have been also other occasions where we find discriminations were made in favour of certain classes of banks and certain other credit institutions. In every case we opposed and similarly we want to record our opposition to this case also because I find that through these various excluding provisions the jurisdiction of the Bill is being gradually narrowed and narrowed and the very objective of the Bill might be to a very serious extent nullified.

Mr. SPEAKER: Dr. Sanyal, will you move No. 2 also?

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 2(*13*) (*i*) be omitted.

Here also my arguments relating to the provision for excluding class or classes of money-lenders, particularly of certain institutions of credit, apply with equal force, if not greater force. In this amendment an attempt has been made to exclude loans or debentures in respect of which dealings are listed on "any" stock exchange. I would request you to mark both the words "loan" separate from "debenture" and the words "any stock exchange". All that a money-lender has got to do in order to save himself from the operations of this Bill is just to change the instrument by which the loan will have to be advanced. A loan can, if a money-lender so wishes, be advanced either in the form of the usually known pro-notes or mortgages or in the form of stocks which may be in parts issued against a certain lien on a property and this may be freely sold out. There is nothing to prevent a big money-lender who has got a certain amount of credit and there is nothing to prevent a big borrower who also has got a certain amount of reputation to evade the provisions of the Bill entirely and to have simple money-lending transactions—not transactions which were purported to be excluded under commercial loan, but simple money-lending transaction—freely kept out of the purview of the Bill by only changing the instrument of the loan. It has been found out that in the Calcutta Stock Exchange,—so far I am only talking of the Calcutta Stock Exchange because that is the stock exchange of which we on this side have any direct knowledge,—there are about two or three loans only which are, as they are noted, "listed on any stock exchange".

Of these loans one happens to be a loan against a particular zamindary against which certain charges were created by an esteemed countryman of ours. I think, if there is any justification for relief to any borrower in Bengal, that family and that landholder can equally claim a little consideration, specially at the hands of the Coalition party, and there could be no justification whatever to compel him to submit to the rigours of the loan if relief could be otherwise provided for him through the application of the present measure. I would not like to mention the names, but I understand that that unfortunate gentleman could not be given relief because in that particular loan which is in the form of debentures listed in stock exchange are interested some of the biggest European merchants of the city and even some of the biggest European officials, past and present. It is very regrettable that an attempt should be made to placate a certain section of the European community in a manner which is most shamefully and most nakedly unjust and known to the whole market and

probably to the Coalition Party also. I oppose this. I do not know why that gentleman is still continuing to associate himself with the Coalition Party even after this humiliation. It passes my imagination, but probably he might have got some other hopes—I do not know what that would be.

But apart from that personal consideration there are also two other loans, one against the Dalhousie Square properties and the other against the Chowringhee properties, quoted in the Stock Exchange; and if these also have really any relief under this piece of legislation, such loans also should, in my opinion, receive due consideration. I cannot find any justification for compelling these properties to bear the burden of iniquitous interests and burden of loan when we find that in every other case we are prepared to extend some amount of consideration.

Sir, this clause would also lead to many practical difficulties. As you may be aware, it does not limit the listing to any particular stock exchange, and if a loan is quoted in "*any*" stock exchange, it would be excluded from the operation of this Bill. At the present moment we have in Calcutta one recognised stock exchange, but you might be finding several stock exchanges cropping up in no time. Already a rival stock exchange is being organised. There is nothing to prevent a group of people from associating at particular places and calling themselves stock exchanges and having certain classes of loan excluded from the purview of the Bill by having a sort of bogus stock exchanges. There may be a stock exchange at Dacca. So my honourable friends at Dacca might not feel so secure. There are already proposals for having stock exchanges at Comilla and at Chittagong, and in the last named place already there is a proposal for a well-organised stock exchange being opened at a very early date. Our friends also probably do not know that the listing of a particular transaction of the stock exchange is a very simple affair. If you can get hold of a majority of the Committee of the Stock Exchange to approve of a particular kind of transaction proposed to be listed, it goes there automatically, whether that transaction may or may not be considered to be good enough for usual transaction on the stock exchange or on which there may not be a large number of persons interested to have transactions. We find, for example, interested parties having shares listed even before the shares are placed on the market and those are things which to our common knowledge can be manipulated by interested parties in a particular manner.

The net result of this clause will be that some big money-lenders who have large money-lending transactions will be excluded. The big money-lenders will be excluded as well as big borrowers will be tyrannised. We have at the very beginning laid down the principle

that we shall make no discrimination between rich and poor because a debtor is a debtor and the circumstances under which rich debtors as also bigger debtors are compelled to suffer bigger burdens are as onerous and burdensome as the circumstances under which debtors of moderate and poorer classes are made to suffer various degrees of burden. Where do we now leave that principle of ours when we are going to accept this clause? I submit, Sir, in all seriousness, that the Coalition party should consider whether it has been really a wise thing on the part of the Council to have foisted on us these two amendments, particularly the second one and whether we in the Assembly are going to be a party to such invidious distinction and iniquitous treatment.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, in order to save time may I have this opportunity to make it clear to the House that the Coalition party are determined to put the Bill on the Statute Book without the least possible delay? Sir, the difficulties pointed out by Dr. Sanyal are really of a substantial character. We did consider these points and the Coalition party did not agree to any of these changes being made or any of the provisions being excluded. But when the Bill went up to the Upper House the members there thought otherwise. We have decided that the Bill should be passed into law immediately. Of course, difficulties may arise but we can make amendments later on. But, at the present moment we feel that for the sake of one difficulty here and another difficulty there, the whole Bill should not be held up, and our opinion is that the Bill should be passed with the amendments made by the Upper House.

The motion of Dr. Nalinaksha Sanyal that clause 2 (*13*) (*h*) be omitted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that clause 2 (*13*) (*i*) be omitted, was then put and lost.

Dr. NALINAKSHA SANYAL: Sir, this is a very simple proposal. I have heard the Hon'ble the Chief Minister patiently and I realise that he and his party are determined to pass this piece of legislation, however defective it might be. I do not want to question his power to pass a Bill with the number of hands he has got or the number of persons he has collected to his support. All that I feel—thinking in my humble way—is that it is my duty to point out to the House and to the Hon'ble the Chief Minister, to point out the defects——

Mr. SPEAKER: Dr. Sanyal, you just move your amendment first and then state the reasons why you want to move it.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 2 (*23*), line 4, the words "and includes a proceeding in execution" be omitted.

Sir, my amendment is to delete the words "and includes a proceeding in execution" in sub-section 23 of clause 2. Sir, this clause as originally framed and drafted left out or rather made it delightfully vague as to whether it will be left out or not. In my humble opinion it left out proceedings in execution of certain decrees which probably might have been obtained nearly 12 years back. As you might be aware, Sir, decrees of the High Court may be kept alive for more than 12 years. Even in the District Courts I understand from my more informed lawyer friends that under certain circumstances decrees may be kept alive for upwards of 12 years. It was our opinion when we first passed this clause that it would not be fair, nor would it be practicable, to include within the purview of the suits under this Bill measures taken for realising decrees as old as 12 years or above, and we deliberately kept out these words. I do not understand what led the Council to introduce these few words again. Do they really intend to upset even the High Court decrees of 20 years back? If they do, it would be creating a serious state of affairs, and even if that was the intention, if these words are left out, the word "proceedings" in the second line might be used and might well be argued by clever lawyers to show that that word "proceedings" might apply for proceeding in execution of past decrees. So, these words be better left out and the clause, as we drafted, be retained. Otherwise, it does not improve the situation at all, rather it makes the position very much worse. With these few words I move, Sir, that these words be deleted.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I oppose the motion of my friend.

The motion of Dr. Nalinaksha Sanyal that in clause 2 (*23*), line 4, the words "and includes a proceeding in execution" be omitted, was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in sub-clause (*2*) of clause 2, lines 3 and 4 for the words "a successor in interest or surety" the following words be substituted:—

"a surety and the successors in interest of both the surety and the aforesaid person".

Sir, the amendment made by the Council is that the borrower shall include a successor in interest or surety but does not include the successor of the surety. So under this provision it will be the poor successors of the sureties who will be the greatest sufferers. In the mufussil it is always found that a person borrows money along with the surety and if that surety is liable then the successor in interest is also liable. If the definition of the borrower is changed to include a surety

it should be further changed to include a successor in interest of the surety, otherwise the successors in interest of the sureties, in whose interest also this Bill has been enacted, will suffer. With these few words, Sir, I move my amendment.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose the motion.

Mr. JOGESH CHANDRA GUPTA: Wont' the Nawab Sahib speak a single word in opposing this amendment?

Mr. SPEAKER: That is the only correct attitude that Government may take in this matter, because the Hon'ble the Chief Minister has explained that whatever be its features, they will get the Bill passed to-day for reasons explained.

The motion of Mr. Surendra Nath Biswas that in sub-clause (2) of clause 2, lines 3 and 4, for the words "a successor in interest or surety" the following words be substituted:—

"a surety and the successors in interest of both the surety and the aforesaid person,"

was then put and lost

Clause 3.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in the proviso to clause 3, in line 2, after the words "such conditions" the words "being not inconsistent with the provisions of this Act" be inserted.

Sir, it is a very simple matter and I do not want to inflict a speech on my friends. You will notice, Sir, that this clause relates to notified banks and power has been given to Government to frame rules for declaring any bank as a notified bank under these rules. Doubts were expressed as to whether Government would be well-advised to keep a free hand in the matter of declaring a bank as a notified bank, and many members from different sides of the House proposed that Government should act in this matter on the advice of the Reserve Bank or such experts as they might consider fit. In any event at that moment these words "not inconsistent with the provisions of this Act" were there. Surely Government were not going to frame rules inconsistent with the provisions of this Act and yet I do not know why the Council decided to delete these few words which are calculated to restrict the power of Government to frame rules within the framework of this Act. That is why I propose their restoration.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I oppose the motion.

The motion that in the proviso to clause 3, in line 2, after the words "such conditions" the words "being not inconsistent with the provisions of this Act" be inserted, was then put and lost.

Clause 30.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 30 (*3*) be omitted.

Sir, I beg to move the deletion of the new sub-clause (*3*) of clause 30 as has been introduced by the Council. This clause 30 (*3*) relates to the following: it empowers a lender to institute suits "*at any time*" after the commencement of this Act in respect of a transaction to which either or both of the preceding clauses applies or apply. This clause either intends to provoke the money-lender to go to court at once or it is intended to take away the limitations that the Limitation Act lays down on monetary transactions. So far as the limitation Act is concerned I am afraid we have not got the power to make any amendment. It is stated here that the lender shall be entitled to institute a suit "*at any time*" after the commencement of the Act. Whether there will be limitation or not, the lender is given power to go to court against the borrower at any time after the commencement of the Act. The wonderful draftsmen of Government have provided a piece of amended draft which creates a very anomalous situation. I request Government to leave this out completely because if this clause is deleted the power of a money-lender or the right of a money-lender to go to court remains. That right is not taken away, and on the contrary if it is left there, it indicates that the money-lender can go at any time or it provokes him to go to court straightaway. Why this pointer to the money-lender? I submit that it would be improving the Bill if we retain the old clause as it was and not try to adopt this new clause.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose the amendment.

The motion of Dr. Nalinaksha Sanyal that clause 30 (*3*) be omitted was then put and lost.

Clause 34A.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that clause 34A be omitted.

I also beg to move that in clause 34A in line 4, after the words "a loan" the words "advanced before the commencement of this Act" be inserted.

These amendments are much more serious than the previous amendments that I sought to propose. Both the amendments refer to the same clause and are based on similar grounds. The Council has thought

fit to introduce yet another new clause and in this clause they have provided that the sale of property in execution of decrees in respect of loans must be restricted to such property only as would in the opinion of the court bring the desired amount decreed and it is also stated therein that in case the sale does not bring in the required amount to cover the decree, the lender will be debarred from having the property sold, and if the decree holder consents in writing to forego so much of the amount as is equal to the difference between the highest amount of bid and the price so specified, then alone the property may be sold. It will indeed give our lawyer friends a little more opportunity to argue their cases. It will create a very anomalous situation also. In the first place, how can the court decide as to what will be the probable value of a property? In the Calcutta High Court, there are provisions for the Court appointing an Engineer for having certain house property valued, but it is not really possible for any mufassil court to have valuation made of properties sometimes lying in different parts of one or more districts. They do not have proper valuers.

There is also another difficulty. Here the decrees passed relate not merely to loans created after the commencement of the Act but also to loans created before the commencement of the Act, so that in all classes of loans the decree holder will have the right to refuse to accept a particular bid and I am afraid that it will prolong the agony. If the court had a particular property mentioned and there was nothing for the decree holder but to get an attachment on the whole property, there would be attachment on the whole property and yet there will be this anomaly that the decree holder will not be entitled to the proceeds of the sale of a part unless he agrees to forego the difference. He will have to agree to accept the highest amount of bid if he wants to get the sale closed. Of course, he will never agree, so that practically speaking this clause will not be operative. I don't think, therefore, that any useful purpose will be served in keeping a clause of this character.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose these amendments.

The motion of Dr. Nalinaksha Sanyal that clause 34A be omitted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 34A, in line 4, after the words "a loan" the words "advanced before the commencement of this Act" be inserted was then put and lost.

Clause 32.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 32, line 7, the following words be substituted for the word "repayable":—

"which has been partly repaid."

Sir, my amendment makes the section very clear: otherwise, it is very vague because the court has the power to value the crop which is being made in part payment.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose it.

The motion of Mr. Surendra Nath Biswas that in clause 32, line 7, the following words be substituted for the word "repayable":—

"which has been partly repaid"

was then put and lost.

Mr. SPEAKER: Amendment No. 15 is not in order. It cannot be moved as it does not come under the rule.

Dr. NALINAKSHA SANYAL: Sir, I beg to submit that it is in order. Under the rule, the amendment must be relating to or consequential to the amendment made by the Upper House. Here the Council has left out the words "blanks are left to be filled in" and introduced the following words "any entry is left blank for completion". If the words "instrument creating the loan" are not accepted, the result would be that in some cases of loans on shares where blank transfers are made, the lender will be debarred from advancing the loan, and will be criminally prosecuted——

Mr. SPEAKER: Will you formally move your amendment?

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 39, in line 7, after the words "any instrument" the words "creating the loan" be inserted.

The purpose is very simple.

Mr. SPEAKER: I have already given you an opportunity to make a speech. So, you must be very brief.

Dr. NALINAKSHA SANYAL: In the instrument of loan, if any blank is left, the loan may rightly be open to objection. But if in any other connected document or documents where blanks are usually left and without such blank transfers transactions cannot be completed, such blanks are not permitted to be left, it would be very difficult to have loans arranged on such securities. That is why I propose that these words be inserted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose the amendment.

The motion of Dr. Nalinaksha Sanyal that in clause 39, in line 7, after the words "any instrument", the words "creating the loan" be inserted was then put and lost.

The question that this Assembly agrees to the amendments made by the Council to the Bengal Money-lenders Bill 1939 was then put and agreed to.

Adjournment.

It being 8-30 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 5th March, 1940, at the Assembly House, Calcutta.

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